The Commonwealth of Massachusetts
University of Massachusetts - Boston
Downtown Center
Boston, Massachusetts 02125

March 9, 1989

Arthur Osborn
President
Mass. AFL-CIO
8 Beacon Street
Boston, MA 02108

Dear Arthur,

Please join the Labor Studies Advisory Board at its March 29th meeting, 5:30 to 7 p.m. The meeting will be convened in the Chancellor's Conference Room, located in the Administration Building at the Harbor Campus. Parking is available underneath the Administration Building. Take the elevator to the 3rd floor and turn left twice as you exit the elevator.

We are pleased to report that Acting Provost Leverett Zompa will be our special guest that evening. He is interested in learning more about the Labor Studies curriculum and the trade unionists it attracts to UMASS/Boston.

Additional agenda items will include:

- A review of a 5 year plan for Labor Studies, requested by Dean Kamara for college planning purposes.
- Proposed revisions of the Labor Studies Career Certificate, to be submitted to college governance this spring.
- Activities aimed at generating earned income and visibility for the program.
- A report on the impact of the state budget crisis on the Labor Studies Program.
- Proposals by Jim Campen, Harbor Campus Economics Chair, for CPCS-based Labor Economics curriculum.

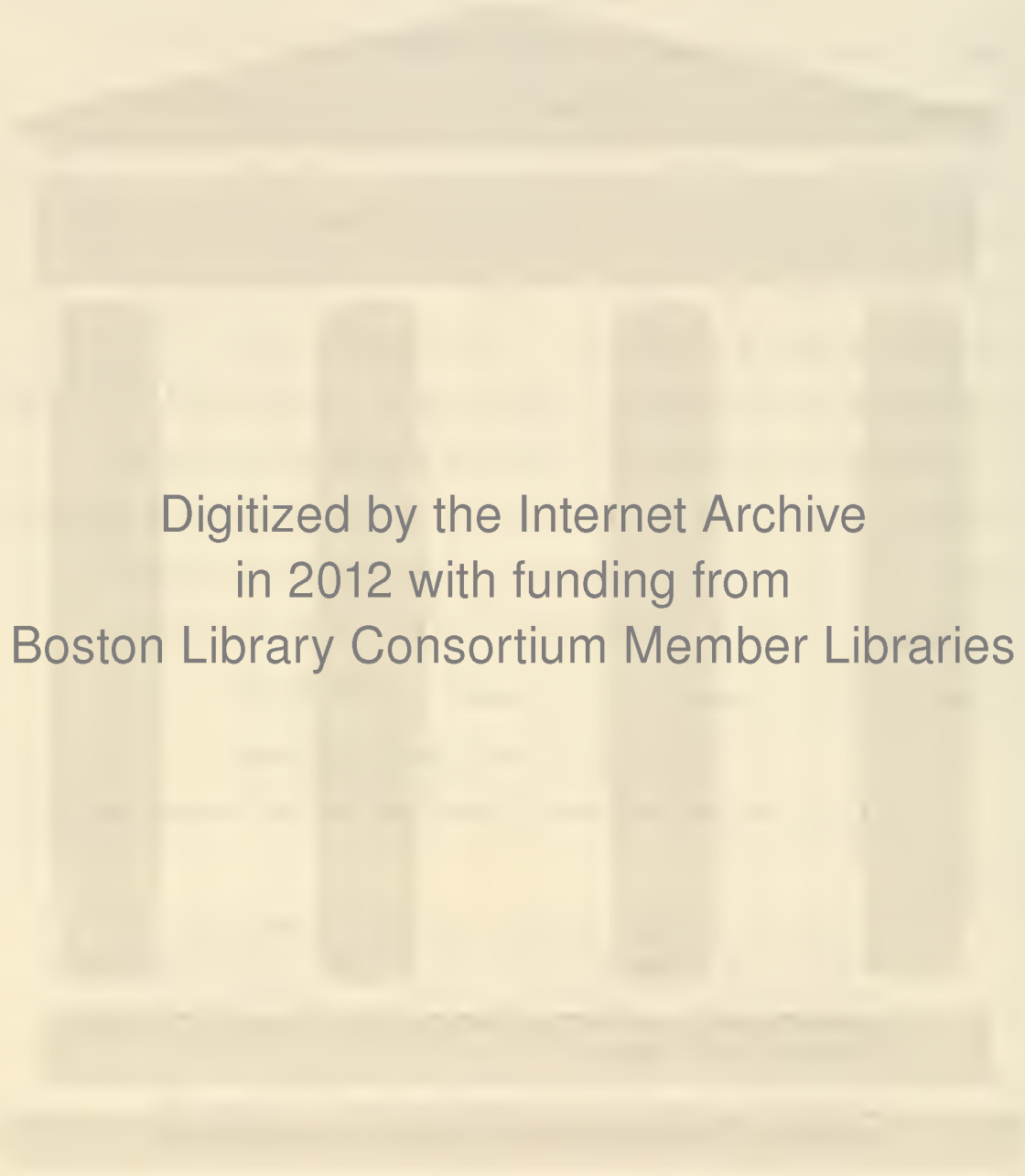
March 29th will build on the December 14th meeting attended by Chancellor Sherry Penney. At that meeting, Board members amended and approved a Labor Research Center mission statement. (See enclosure.) In addition, area Building Trades leadership questioned Chancellor Penney regarding her interest in collaborating with the building trades to rejuvenate the Humphrey Vocational Education Center. Chancellor Penney offered to meet with interested trades leadership. Murray Frank reported on discussions held on worker education and access for women and workers of color at the conference co-sponsored by the National AFL-CIO and the American Council on Education. Allison Bernstein of the Ford Foundation, a conference speaker, is especially interested in these questions and may be a useful contact for the Labor Studies Program in the future.

The March 29th discussion promises to be lively. We encourage you to join us and share your ideas. Please RSVP to Pat at 956-1004 or Jim at 956-1066.

Sincerely,

Jim Green
Director

Pat Reeve
Associate Director



THE LABOR STUDIES PROGRAM
COLLEGE OF PUBLIC AND COMMUNITY SERVICE
UNIVERSITY OF MASSACHUSETTS AT BOSTON
DOWNTOWN CENTER
BOSTON, MA. 02125
617-956-1066

To Members of the Labor Studies Advisory Board
From the Labor Studies Program, James Green, Director, Patricia Reeve, Associate Director
Re: Five Year Plan
Date: Mar. 9, 1989

Purpose of the Labor Studies Program at CPCS

The purpose of the Labor Studies Program at the College of Public and Community Service, UMB, is to offer an inter-disciplinary BA Degree or Certificate of value to a variety of students: workplace advocates and paralegal workers, government officials, as well as labor union members, staffers and elected officers.

A Career Certificate Labor Studies and the Law is the basis of a BA degree as well as a Certificate program. Both combine competencies in the Law Center curriculum to help students perfect or learn new skills in negotiation, representation, applied research and advocacy as well as in strategies for bargaining, organizing and lobbying. Students also develop critical thinking skills through the study of labor and legal history, political economy, legal reasoning as well as through the study of substantive law in selected areas like labor

relations, affirmative action, unemployment and workers compensation, immigration, health and safety.

The Labor Studies Program's educational mission is also related to its service mission. Our program, which has grown from 12 students in 1984 to 62 students in 1988, shares the College's intent to improve access to higher education for urban working people. Nearly all of the students enrolled in the program as well as most of the 25 graduates, have been recruited to the College through our efforts and through the work of an Agency Agreement with eight union locals that allows members of those unions to attend CPCS at reduced tuition.

Goals and Objectives for the next five years

I.Curriculum Development

1)To expand the Labor Studies Curriculum into a cross-center Career Certificate by developing new combined offerings with the Human Services and Community Planning centers.

2)To revise the current Labor Studies Certificate so that in addition to the five competencies now required, students may address elective competencies from other centers and concentrate in particular areas.
In addition to Labor Law, these new areas of concentration will include:
a)strategic planning and organizing (with Community Planning);
b)providing human services to union members (with Human Services); c)Union administration (with Planning and Management); d)Adult Training and Development.

3)To develop a new certificate program in Strategic Planning for Labor and Community Organization with the Community Planning and offer it in an intensive group of sessions.

4)To strengthen the current curriculum and develop the expanded curriculum by adding faculty resources (two new faculty lines at CPCS) to address the following skills and problems in labor education:
a)labor and community organizing; b)labor economics; c)corporate and economic research; d)collective bargaining and strategic planning; e)workplace discrimination, affirmative action law; f)organizational development and union administration, including international comparisons.

5)To continue cooperative efforts with the Economics Department to offer joint courses for CPCS and CAS students, and to develop a new version of the Economics Department's concentration in Labor Economics that includes some CPCS Labor Studies courses.

II. Advising and Counselling

6)To improve advising and career counselling for BA and Certificate students by accessing current resources and adding new faculty resources, as well as diagnostic testing and tutoring for Certificate students.

III. Recruitment and Community Relations

7)To improve access to higher education and careers in labor and government for women and workers of color by adding staff to develop research proposals and cooperative outreach efforts and pre-college programs with groups currently represented on the Labor Studies Advisory Board, including: the Coalition of Labor

Union Women, A. Philip Randolph Institute, Women in the Building Trades, the Workplace Literacy Consortium, the Joint Building Trades Apprenticeship Program, and the Women's Institute for Leadership Development, as well as the seven union locals in our Agency Agreement and Roxbury Community College.

8) To expand the number of union locals in the Agency Agreement from 8 to 10 in order to recruit more students especially among women and workers of color.

9)Assuming added resources to meet goals 1-7, expand student enrollment in the Labor Studies BA and Certificate programs from the current level of 60 to 80 in year 3 and 120 in year 5.

IV. Research and Service

10)To increase the services offered by the Program by a)cooperating with other UMB departments and institutes to offer joint conferences and training programs and b) to work with unions to organize independent conferences and training programs to generate revenue for the program. (In June 1989 the Program will be sponsoring such a conference on union programs for affordable housing with the Hotel Workers, Carpenters and Bricklayers unions.)

11)To form a Labor Research Center at CPCS to devote staff resources and mobilize in-kind services to help develop a regional model for research and public policy that helps prepare the work forces and union organizations for the future.

10)To develop and carry out a strategy for securing permanent legislative funding for a Labor Research Center at UMB including permanent administrative and clerical staff as well as professional staff assigned to research and service.

Blue Cross
Blue Shield
of Massachusetts

Joseph R. Driscoll
Senior Vice President, Marketing

100 Summer Street
Boston, MA 02110
(617) 956-3316

March 2, 1989

Mr. Arthur Osborn
President
MA AFL-CIO
Eight Beacon Street
Boston, MA 02108

Dear Mr. Osborn:

Last year we met with several labor leaders for 2 days at the Sheraton Ferncroft in Danvers. We discussed a number of important issues related to health insurance programs. Based upon feedback that we have received from the labor leaders who attended the meeting, they felt that it was very worthwhile. I can tell you from the point of view of Blue Cross and Blue Shield the dialogue and input that we received was invaluable.

My purpose in writing to you at this time is to let you know that we are planning another meeting with labor leaders. The meeting will be held on April 25 and April 26, 1989. We are in the process of selecting a site. Our plans are to have the meeting begin on the morning of Tuesday, April 25 at 9:00 a.m. and adjourn Wednesday at noon. Some of the items that we are considering for the agenda include: discussion of the Universal Health Care Legislation, interaction of employee assistance program counselors with managed care programs, legislation, hospital audit programs, Master Health Preferred and the proposed FASB regulations regarding retiree benefits. We will be firming up our agenda over the next few weeks. If you have any suggested items that you would like us to discuss, please let me know.

I will be corresponding with you with more details regarding our meeting in approximately 4 weeks. I would appreciate it if you would hold the dates of April 25 and April 26, 1989. If you are unable to attend the meeting, please let me know now so that we can plan appropriately. You can either call myself or John Coughlin. At this point, we request no substitutes at the meeting. We look forward to seeing you in the near future.

Sincerely,

Joe Driscoll

Joseph R. Driscoll

JRD/njc
NFEB.152

cc: J. Coughlin

MASSACHUSETTS / AFL-CIO
UNION LABEL & SERVICES TRADES COUNCIL

Buy Union — Buy American
8 Beacon Street, Room 48
Boston, MA. 02108
Tele: (617) 523-0469

March 3, 1989

Arthur Osborn, President
Mass. AFL-CIO
Eight Beacon Street
Boston, MA 02108

Dear ~~President Osborn~~ Arthur:

In order to further the efforts of the Union Label & Services Trades Council, I would appreciate the opportinity to address the Executive Board at its next meeting.

If you have any questions, please feel free to contact me.

In Solidarity,

Tom

Thomas M. Scanlan
Secretary-Treasurer

tms:mtt

OK

GREATER BOSTON
A. PHILLIP RANDOLPH INSTITUTE
17 Riverside Street Marshfield Mass. 02050 617-837-6242

February 17, 1989

Dear Members of the MLK Breakfast Committee:

First, we would like to thank you for your tireless effort to organize the annual breakfast in commemoration of our brother, Reverend Martin Luther King Jr.. The breakfast has become an occasion that we who are involved in struggles for social and economic justice look forward to for rejuvenation and re-committment.

The A. Phillip Randolph Institute is an advocate for the many Black workers represented under the banner of the AFL-CIO. We strive to develop leadership among Black members and to increase the labor movement's support for equal rights. Additionally, we strive to mobilize our communities through voter registration, voter education and political action.

We are writing to you because we are concerned about your choice of location for the breakfast, the Marriott Copley Hotel. You may not know that the Marriott Corporation has the dubious reputation of being an anti-labor, anti-community employer. Nationwide, the corporation has invested millions of dollars in union-busting in it's constant drive to increase profits at the expense of workers by keeping their wages lower than the prevailing wage rate. In regard to affirmative action, the vast majority of minority and female workers are confined to the most insecure positions with little chance for upward mobility.

Recently, the Marriott Copley has brought in an out-of-state, non-union firm to conduct a major painting renovation project. They are paying a migrant labor force substandard wages and minimal fringe benefits. These practices exclude local residents from access to training and job opportunities and result in a loss of tax dollars and investment in our neighborhoods.

Given these practices, our Institute has joined with the Painters Council District 35 and other community organizations in urging a citywide economic boycott of the Marriott Hotels. We are asking your committee participate in our drive and consider changing the location for next year's breakfast. We realize that you are at

full capacity and require a large space to accomodate the community. There are however, alternative sites such as the Hynes Convention Center that would probably be able to meet your needs. We would be glad to provide you with a list of union hotels and caterers.

Reverend King was a strong advocate for workers rights and invested tremendous energy into building the natural alliance between labor and the Black community. A. Phillip Randolph considered Dr. King the moral leader of the civil rights struggle, which has not ended. We would like to work with you to carry on that tradition.

Thank you for your consideration in this important matter. We look forward to your earliest possible response.

Sincerely,

Janet Walker

Janet Walker
President

cc: Bruce Bolling, Boston City Council
Dominic Bozzotto, HRE Local 26
Louis Elisa, Boston NAACP
Gloria Fox, Black Legislative Caucus
Bill Fletcher, Community Task Force on Construction
Augusto Grace, Black Legislative Caucus
Norman Hill, National APRI
Robin Leeds, Painter Council
Arther Osborn, AFL-CIO
Byron Rushing, Black Legislative Caucus
John Simmons, Painters Council/Boston Building Trades
Charles Yancey, Boston City Council

AMERICAN FEDERATION
OF LABOR AND CONGRESS
OF INDUSTRIAL ORGANIZATIONS

UNION YES

March 1, 1989

MEMORANDUM

TO: Presidents of National & International Unions;
Principal Officers of State Central Bodies & Larger Local Central Bodies
AFL-CIO Regional Directors

FROM: Don Slaiman, Deputy Director, Dept. of Organization & Field Services

Dear Brothers and Sisters:

The AFL-CIO has succeeded in getting a Workers Rights Provision to the Generalized System of Trade Preferences. It is our best means of insuring that countries which enjoy GSP do not suppress or infringe workers rights, especially that of freedom of association. We do press rigorously to get countries removed if they do not allow trade union freedoms.

Recently, the Arab American Anti-Discrimination Committee has asked the U.S. Trade Representative to review certain trade union practices by the State of Israel as a result of allegations that the State of Israel does not respect the rights of Palestinian Arab workers.

There are, too, some AFL-CIO members who have been circulating similar allegations and attempting to get anti-Israeli and anti-Histadrut resolutions passed by some of our central bodies and affiliated international unions.

1. I am enclosing a copy of the AFL-CIO's response to the Arab organization that made the original allegation.

2. A copy of the AFL-CIO's testimony before the U.S. Trade Representative which opposed the investigation of the State of Israel.

3. A copy of the Jewish Labor Committee's testimony on the same subject.

4. A copy of an executive summary of the Jewish Labor Committee's Testimony.

If you have any questions about this important issue, please don't hesitate to write or call me.

815 SIXTEENTH STREET, NW
WASHINGTON, D.C 20006
(202) 637-5000

American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

August 11, 1988

Mr. Abdeen Jabara
President
Arab-American
Anti-Discrimination Committee
4201 Connecticut Avenue, NW
Washington, D.C. 20008

Dear Mr. Jabara:

On behalf of the AFL-CIO, President Kirkland has asked me to respond to your letter concerning the state of workers' rights in Israel and the Occupied Territories.

The AFL-CIO has a clear record of support for workers' rights the world over. We hold to a single standard of conduct in this regard and believe it applies to Christians, Moslems, Jews, and other believers or non-believers. We also are mindful of the fact that minority rights must be protected by every state.

I should say that on the basis of this strict and rigorous standard the AFL-CIO cannot support your case against Israel under the workers' rights provisions of the Generalized System of Preferences. This decision is based on the following judgments of the AFL-CIO: a) Israel has the freest and most dynamic trade union movement in the Middle East; b) Arab citizens of Israel, together with Jews, are free to join and democratically participate in unions; c)the right to strike and the right to bargain collectively are enjoyed by the workers of Israel; d) trade unions function in the West Bank and Gaza Strip so long as they do so in accordance with the local laws which Israel administers.

Permit me to elaborate on several of these essential points. Workers who are citizens of the state of Israel are equal under law regardless of religious or ethnic background. This is particularly true in the case of membership in labor unions. As far as the Histadrut labor federation is concerned, there is no separate category for Arab, Jewish, or Druze workers. There was an Arab department in the Histadrut, but it was abolished and its staffers integrated into the Organization Department and the local Labor Councils of the Histadrut in the spirit of non-denominationalism. Nawaf Massalha, is Deputy Chairman of the

powerful Organization and Labor Councils Department, making him the highest ranking Arab in the Histadrut.

Histadrut's membership includes 160,000 Arabs (about 60 percent of the working-age Arab population of Israel) and 10,000 Druze. In total, 68% of Israeli Arab and Druze workers and employees are covered by Histadrut contracts.

From this standpoint is it clear that for all Israeli citizens, there are full trade union rights, a situation nowhere else to be found in the Middle East and certainly nowhere in the Arab world.

The situation of workers from the West Bank and Gaza Strip is somewhat different in part because they are not citizens of Israel but residents of an area currently under occupation. As these territories are not part of Israel, that country has not sought to impose its own laws on them. These territories are administered in accordance with local law-- on the West Bank, the law that is followed is Jordanian, in the Gaza Strip, the law followed is British Mandatory law.

It is true, as your petition asserts, that on average 100,000 Arabs from the Occupied Territories cross over into Israel to work, slightly more of them from the West Bank than from the Gaza Strip.

Although the Histadrut does not function in the West Bank and Gaza (as it does, for example, in the Golan Heights and East Jerusalem) the federation provides trade union contract and grievance protection for West Bank and Gaza workers in Israel in return for a one percent agency fee paid through Ministry of Labor and Social Affairs employment offices in the West Bank and Gaza. The Histadrut arranges for West Bank and Gaza day laborers to be represented on Histadrut plant or enterprise workers' committees wherever they comprise 20% or more of the work force. And such is the case in more than half of all workplaces employing non-Israelis. West Bank and Gaza laborers are not legally eligible for Histadrut membership as they are regarded as guest workers who voluntarily come to work in Israel on a temporary basis.

More significantly, contrary to your petition to the Trade Policy Staff Committee of the U.S. Trade Representative's Office, workers from the territories have the same rights as Israeli workers to affiliate with trade unions or set up their own trade unions. Existing laws and regulations in West Bank and Gaza concerning trade union rights are strictly observed by Israeli authorities. There are seven registered unions in the Gaza district and 31 in the West Bank. According to local regulations any group of 21 or more workers may register as a trade union. The scope of union activity must be determined by the workers themselves, and the government does not interfere in the organization of activities. Contrary to your petition, fifteen

new unions registered in the West Bank after 1967--the year of Israeli occupation.

Your petition provides a list of trade union organizations which you assert have been shut down by the Israelis. While we are unable to examine all the separate cases you have raised, we would like to remind you of the following quotation from Haider Ibrahim, the General Secretary of the Palestine Trade Unions Federation, which Israeli officials charge is behind much organizing of banned labor unions: "We are affiliated to the Palestine National Council, the parliament in exile of the Palestinian people, and play a full role in its work and its deliberations. Delegates to the Council are directly elected by constituent members to the PTUF. We consider ourselves part of the Palestinian Revolution, which is led by the PLO."

It is our understanding that Israel's banning of some trade union organizations is linked to their support for the P.L.O.-- a known terrorist organization, which has as one of its aims the destruction of the State of Israel. Surely you will concede that no government, particularly one in a de facto state of war with several of its neighbors and itself the victim of numerous terrorist acts can be indifferent to activities that under the guise of trade unionism work to support terrorist entities.

As to your charge that Arab workers are being bilked of their salaries for rights for which they do not qualify, it is our understanding that workers from the West Bank are entitled to the following: workers' compensation insurance, bankruptcy insurance, annual paid leave, sick pay, payment for "festivals," payment for work clothing, severance pay, old age pensions, and payment for "spouse". According to Brother Haim Haberfeld (Chairman of the Trade Union Department of the Histadrut):"...we wish to make it clear that workers from Judea, Samaria and Gaza are entitled to get all the rights and benefits enjoyed by Israeli workers, in accordance with the labour contract of the particular branch or enterprise that applies to the place of work at which they are employed."

As in any society, including the U.S., Israel doubtless confronts a problem of a large "gray market" of Palestinian laborers from the Occupied Territories. But the Israeli authorities actively work to punish those who violate Israeli labor law and standards.

As to your assertion that Palestinian trade union activists are subject to military repression, the most recent report of the U.S. Department of State points out that only Palestinians accused of security offenses are tried in Israeli military courts, but that residents accused of nonsecurity offenses receive "public trials in local courts" by "an independent Palestinian judiciary."

The AFL-CIO would not deny that on occasion, Israeli authorities have acted with excessive use of force in attempting to contain protests by Palestinians. As the attached statement of our Executive Council indicates, we have criticized such actions strongly and forthrightly. We certainly sympathize with the legitimate aspirations of Palestinian workers to earn an honest day's wage for an honest day's work in a climate of peace and prosperity. This is why we are convinced that it would be in the interests of precisely these workers if Palestinian leaders, together with Israel's neighboring states, recognized Israel's right to exist within secure borders and engaged in peaceful dialogue rather than rioting, terrorism, and war.

Despite our sympathy for all workers in this region of conflict, Arabs and Jews alike, we cannot agree with your charges. In our view, the Arab-American Anti-Discrimination Committee's petition inaccurately accuses Israel -- the only Middle-Eastern state with a powerful, free and independent multi-ethnic and non-denominational trade union movement -- of gross workers' rights violations. Such a brief simply does not stand up to informed scrutiny.

In our view, the Arab-American Anti-Discrimination Committee would be advancing the interests of all workers in the Middle East if it turned its attention to the regrettable anti-worker practices of the many Arab dictatorships and tyrannies. Such states exploit and punish Arab workers, driving many of them to seek safe haven in our country.

Sincerely,

Tom Kahn,
Director,
Department of
International Affairs

Enclosure
cc: Jack Otero

STATEMENT OF DR. RUDOLPH OSWALD, DIRECTOR
DEPARTMENT OF ECONOMIC RESEARCH
AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS
ON WORKERS' RIGHTS PRACTICES OF GSP BENEFICIARY
COUNTRIES BEFORE THE GSP SUBCOMMITTEE OF THE
TRADE POLICY STAFF COMMITTEE

November 17 & 18, 1988

ISRAEL

We would like next to raise the matter of the Subcommittee's decision to open an investigation of workers' rights abuses by Israel. We have already discussed the implication that a country is culpable of workers' rights violations simply because it is selected for investigation. We have also noted that this implication would not exist if all suspect countries were properly investigated as is appropriate under the law. By now you are well-aware that the AFL-CIO thinks they should be. We also believe that absent such a fair and all-inclusive approach an investigation of Israel is inappropriate. The remainder of these remarks will concentrate on the inaccurate substantive claims made in the petition against Israel.

The AFL-CIO does not believe that the state of Israel is engaged systematically in the violation or denial of workers' rights with regard to its Arab citizens or with regard to the Palestinians and others who reside in the West Bank and Gaza. We are dismayed at the USTR's decision to investigate Israel on charges of workers' rights violations.

In the past, we have strongly argued that every beneficiary of GSP privileges be subject to an annual review of its conduct in the sphere of workers' rights. We have done so because we believe that enforcement of the workers' rights provisions of the GSP requires much more than response to allegations made by private, non-governmental organizations. We have argued for a

comprehensive annual review because such a process would assure an open airing of all countries' conduct, without stigmatizing or selectively focusing on particular countries.

The USTR has rejected such counsel and instead has adopted a process in which the GSP Subcommittee investigates only a small, selective set of countries, based on prepared submissions by non-governmental organizations. In such a highly selective context, the decision by the U.S. Government to investigate a country necessarily sends a message that there is credible preliminary evidence of massive and systematic workers' rights violations. And in the case of Israel, such an implication is patently false.

The dangers of the USTR's policy are here for all to see today. Israel -- a thriving democracy with a strong tradition of respect for workers' rights -- is in the docket today alongside such heinous anti-worker states as Burma, Haiti, Malaysia, and Syria. Israel -- a country whose Arab citizens enjoy rights they dare not even dream of in most Arab states -- is in the docket, while the workers' rights violations of such countries as Indonesia, Thailand and Turkey are not even to be examined.

It is the view of the AFL-CIO that in the current context the investigation of Israel for workers' rights abuses is a grave mistake which obscures the purpose and intent of the law.

The AFL-CIO has a clear record of support for workers' rights the world over. We hold to a single standard of conduct in this regard and are mindful of the fact that minority rights must be protected by every state. On the basis of this strict

and rigorous standard, the AFL-CIO utterly rejects the claim that workers' rights are massively violated in Israel and in the Occupied Territories.

In our judgment: a) Israel has the freest and most dynamic trade union movement in the Middle East; b) Arab citizens of Israel, together with Jews, are free to join and democratically participate in unions; c) the right to strike and the right to bargain collectively are enjoyed by the workers of Israel; d) trade unions function in the West Bank and Gaza Strip so long as they do so in accordance with the local laws which Israel administers.

Permit me to elaborate on several of these essential points. Histadrut's membership includes 160,000 Arabs (about 60 percent of the adult Arab population of Israel) and 10,000 Druze. In total, 68% of Israeli Arab and Druze workers and employees are covered by Histadrut contracts. From this standpoint it is clear that for all Israeli citizens, there are full trade union rights, a situation found nowhere else in the Middle East and certainly nowhere in the Arab world.

The situation of workers from the West Bank and Gaza Strip is somewhat different, in part because they are not citizens of Israel but residents of an area currently under occupation. As these territories are not considered to be an integral part of Israel, that country has not sought to impose its own national laws on them. These territories are therefore administered in accordance with previously existing local law.

On average, 100,000 Arabs from the Occupied Territories cross over into Israel to work each day. Although the Histadrut does not function in the West Bank and Gaza, the federation provides trade union contract and grievance protection for West Bank and Gaza workers in Israel in return for a one percent agency fee paid through Ministry of Labor and Social Affairs employment offices in the West Bank and Gaza. The Histadrut arranges for West Bank and Gaza day laborers to be represented on Histadrut plant or enterprise workers' committees wherever they comprise 20% or more of the work force. And such is the case in more than half of all workplaces employing non-Israelis. West Bank and Gaza laborers are not legally eligible for Histadrut membership as they are regarded as guest workers who voluntarily come to work in Israel on a temporary basis.

Nevertheless, workers from the territories have the same rights as Israeli workers to affiliate with trade unions or set up their own trade unions. Existing laws and regulations in the West Bank and Gaza concerning trade union rights are strictly observed by Israeli authorities. There are seven registered unions in the Gaza district and 31 in the West Bank. According to local regulations any group of 21 or more workers may register as a trade union. The scope of union activity must be determined by the workers themselves, and the government does not interfere in the organization of activities. Fifteen new unions registered in the West Bank after 1967 -- the year of Israeli occupation.

The petition from the American-Arab Anti-Discrimination

Committee provides a list of trade union organizations which are said to have been shut down by the Israelis. While we are unable to examine all the separate cases they have raised, we would like to remind the U.S. Government of the following:

For nearly a year, the West Bank and Gaza have been the scene of an extraordinary upsurge in protest and violence. While the AFL-CIO is on record in calling for restraint on the part of the Israeli Defense Forces in maintaining order, we also recognize that extremists aided and abetted by the PLO are encouraging arson and physical violence on the part of the Palestinian demonstrators. It is in this context that some of the alleged anti-union actions have taken place. It is useful as well to be reminded of a quotation from Haider Ibrahim, the General Secretary of the Palestine Trade Unions Federation, which Israeli officials charge is behind much organizing of banned labor unions: "We are affiliated to the Palestine National Council, the parliament in exile of the Palestinian people, and play a full role in its work and its deliberations. Delegates to the Council are directly elected by constituent members to the PTUF. We consider ourselves part of the Palestinian Revolution, which is led by the PLO."

Israel's banning of some trade union organizations is linked to their support for the PLO -- a known terrorist organization, which has as one of its aims the destruction of the State of Israel.

The AFL-CIO does not countenance the suppression of real

trade union activities. But we also have some idea what real trade union activities are. Trade unionism does not consist of the making of bombs in trade union headquarters. It does not consist of planting bombs outside hospitals, near bus stops or near agricultural cooperatives. Such actions do not benefit workers. Such actions threaten workers' lives. Trade unionism also does not consist of death threats and assassination attempts against elected trade union leaders.

It is a grim reality that trade union activity in the West Bank and in Gaza is conducted in a climate in which trade unionists face attempts by such terrorist groups as FATAH, the Palestinian Communist Party, the Democratic Front for the Liberation of Palestine, and the Popular Front for the Liberation of Palestine to establish control over trade union activities. These efforts have proved successful in many cases. It is no accident that today there are four trade union federations that function in the West Bank. They correspond to the four major factions in the PLO itself.

In such a climate, Israel has adopted a policy which prevents the election to trade union office of individuals convicted in the past and given lengthy sentences for terrorist activity and espionage. Such a policy does not constitute the suppression of trade union rights.

Workers from the West Bank are entitled to the following: workers' compensation insurance, bankruptcy insurance, annual paid leave, sick pay, payment for "festivals," payment for work

clothing, severance pay, old age pensions, and payment for "spouse." Histadrut also arranges for posters outlining benefits and rights to be posted in workplaces to inform workers from the West Bank and Gaza of their rights and benefits. It has run a weekly Arabic question-and-answer radio program for workers from the Occupied Territories.

As in any society, including the U.S., Israel doubtless confronts a problem of a large "gray market" of Palestinian laborers from the Occupied Territories. But the Israeli authorities actively work to punish those who violate Israeli labor law and standards.

As to assertions that Palestinian trade union activists are subject to military repression, the most recent report of the U.S. Department of State points out that only Palestinians accused of security offenses are tried in Israeli military courts, and that those accused of nonsecurity offenses receive "public trials in local courts" by "an independent Palestinian judiciary."

The AFL-CIO would not deny that, on occasion, Israeli authorities have acted with excessive use of force in attempting to contain protests by Palestinians. As the attached statement of the AFL-CIO Executive Council indicates, we have criticized such actions strongly and forthrightly. We certainly sympathize with the legitimate aspirations of Palestinian workers to earn an honest day's wage for an honest day's work in a climate of peace and prosperity.

But in the absence of a comprehensive review process of the workers' rights of all GSP beneficiaries, the AFL-CIO believes that only the most heinous violators of workers' rights should be investigated. It is clear from our testimony that there is no basis for a case against Israel and therefore we urge that the petition be rejected immediately.

opeiu:153

PRESENTATION BY THE

JEWISH LABOR COMMITTEE

AND THE

NATIONAL JEWISH COMMUNITY RELATIONS ADVISORY COUNCIL

BEFORE THE GENERALIZED SYSTEM OF PREFERENCES SUBCOMMITTEE
OF THE TRADE POLICY STAFF COMMITTEE
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

WASHINGTON, DC

DECEMBER 1, 1988

JEWISH LABOR COMMITTEE
25 EAST 21ST STREET
NEW YORK, NY 10010

Table of Contents

Presentation by the Jewish Labor Committee
and the
National Jewish Community Relations Advisory Council

Before the Generalized System of Preferences Subcommittee
of the Trade Policy Staff Committee,
Office of the United States Trade Representative

December 1, 1988

INTRODUCTION

The Office of the United States Trade Representative (USTR) has initiated an investigation under Section 502(b)(7) of the Trade and Tariff Act of 1984 to determine whether the State of Israel has taken or is taking steps to afford internationally recognized worker rights in the State of Israel and in the territories that the State of Israel has occupied militarily since the June, 1967 Six Day War. [1] A wealth of data collected by well-recognized human rights organizations and by the International Labor Organization demonstrates that Israel has fully complied with the law. This record, summarized below, requires the USTR to reject the petition calling for suspension of the State of Israel's trade privileges under the Generalized System of Preferences program.

This testimony is prepared by the Jewish Labor Committee and is delivered on behalf of the Jewish Labor Committee and the National Jewish Community Relations Advisory Council. The Jewish Labor Committee is a national human rights organization that is especially concerned with the protection of trade union rights at home and abroad. The Jewish Labor Committee has represented the organized Jewish community on questions relating to trade unionism since 1934, when it was originally founded as a labor-based rescue organization in response to the rise of Nazism in Europe. The National Jewish Community Relations Advisory Council is the umbrella planning and coordinating body for the field of Jewish community relations, consisting of 13 national Jewish agencies and 114 local agencies representing Jewish communities throughout the United States.

APPLICABLE STANDARDS

The Trade and Tariff Act of 1984 defines "internationally recognized worker rights" to include: the right of association; the right to organize and bargain collectively; a prohibition on the use of any form of forced or compulsory labor; a minimum age for the employment of children; and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health. The Jewish Labor Committee and the National Jewish Community Relations Advisory Council fully support this provision of the law, and believe that it constitutes an important protection for workers around the world.

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1. Future references to the "State of Israel" will refer to that country's internationally recognized borders prior to the June, 1967 Six Day War, as well as to East Jerusalem, which was annexed by the State of Israel after the war.

The Office of the USTR must determine standards by which the State of Israel is to be judged in evaluating whether the State of Israel complies with this provision of the law. Our organizations believe that the appropriate standards to be applied in evaluating the treatment of Israeli citizens and Palestinian Arab frontier workers who work within the State of Israel are conventions approved by the International Labor Organization (ILO). The appropriate standards to be applied in evaluating the treatment of Palestinian Arabs who work within the territories occupied by the State of Israel since the Six Day War are laws governing a belligerent military occupation. [2] The State of Israel has fully complied with ILO conventions, and has also complied with ILO conventions within the occupied territories, up to the point where the security of the military administration is threatened. The testimony that follows describes precisely how the State of Israel complies with each of the worker rights provisions outlined in the law. The first part of the testimony will deal with worker rights within the State of Israel. The second part of the testimony will address worker rights in the occupied territories.

No country, including the United States and the State of Israel, acts perfectly with respect to worker rights, and no claim is made to that effect. Yet it is clear that the worker rights provision of the Trade and Tariff Act of 1984 is designed to deny trade benefits to countries that massively deny fundamental trade union rights. Evidence for this may be found in the fact that many of the 142 beneficiary countries under the Generalized System of Preferences (GSP), including Bahrain, Jordan, Lebanon, Morocco, Oman, Sudan, Syria, Tunisia, and Yemen Arab Republic, which manifestly are not taking steps to allow free trade union movements by any definition, were not removed from the GSP program by the United State Trade Representative after the two year (1985 and 1986) General Review. [3] The State of Israel, far from being condemned for not applying ILO conventions to territories under military occupation, should be applauded for applying the ILO conventions up to the point where its security is threatened.

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2. This is also the position of the United States Department of State, as noted in the memo by Melvin Levitsky (Executive Secretary, United States Department of State), "Memorandum For James Frierson, Office of the USTR" (Washington, DC, October 5, 1988), p.1.

3. The Jewish Labor Committee will submit petitions in 1989 requesting an investigation of each of these Arab countries. The petitioners are invited to join us in protesting violations of the rights of Palestinian and other Arab workers in these countries.

PART I: THE STATE OF ISRAEL'S RESPECT FOR INTERNATIONALLY RECOGNIZED WORKER RIGHTS WITHIN ITS BORDERS

A. THE APPLICABILITY OF ILO CONVENTIONS

The appropriate standards for evaluating whether the State of Israel complies with internationally recognized worker rights within its borders are the conventions approved by the ILO. For countries that are not at war, it would be difficult if not impossible to reach agreement on definitions of worker rights if ILO conventions were not accepted. As U.S. Secretary of State George Shultz noted, "[t]he ILO's central mission is to improve people's lives through the development of effective international labor standards." [4]

This does not mean, of course, that the USTR should rely exclusively on ILO decisions in determining what standards define internationally recognized worker rights. In particular, resolutions approved at ILO Conferences cannot be relied upon to shed light on the appropriate interpretation of ILO conventions. Like other United Nations agencies, the ILO became so politicized in the 1970s -- as reflected in the violently anti-Israel resolutions adopted by some annual conferences -- that the United States' delegation suspended its participation in the organization for a period of three years. The ILO is still highly politicized, as the failed attempt by Arab countries at the June 1988 Conference to approve an inflammatory resolution "concerning the protection of workers' and employers' rights and freedoms in Palestine [sic]" demonstrates. [5]

Consequently, the USTR must exercise its judgement in determining whether Israel violates neutral ILO conventions relating to worker rights. Every ILO pronouncement need not be accepted nor every interpretation of ILO conventions by ILO supervisory bodies. But the USTR should recognize that ILO conventions that have been approved by a reasonable number of countries collectively constitute a standard for evaluating internationally recognized worker rights, even if the United States itself has not yet approved the ILO convention in question.

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4. George Shultz, "U.S. Role in the ILO", Current Policy No. 737 (Washington, DC, U.S. Department of State, Bureau of Public Affairs, Office of Public Communication, September 1985), p. 3.

5. International Labor Conference, "Resolutions," Provisional Record (Geneva, International Labour Organisation, 1988) p. 1/2.

The petition submitted to the USTR refers solely to Israeli treatment of Palestinian Arab frontier workers when discussing trade union practices within the State of Israel. However, the Trade and Tariff Act of 1984 is not so narrowly focused. The Act states that the President shall not designate any country a beneficiary developing country "if such country has not taken or is not taking steps to afford internationally recognized worker rights to workers in the country." Congress clearly intended for the USTR to review country practices with respect to all workers in the country, including, in the case at hand, the 94 percent of Israel's workforce composed of Israeli citizens. The following describes how the State of Israel adheres to internationally recognized worker standards with respect to both Israeli citizens and Palestinian Arab frontier workers. [6]

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6. The Director-General of the ILO has conducted investigations every year since 1978 of the charges alleged by the petitioner before the USTR. Since these ILO investigations were initiated in part to mollify Arab countries with which the State of Israel is still technically at war, the delegations appointed by the Director-General tend to be sensitive to the complaints of Palestinian Arab frontier workers. Despite the fact that these fact-finding delegations seek information from the Palestine Liberation Organization and despite the fact that they must annually report to ILO conferences that are politically hostile to the State of Israel, their reports are surprisingly favorable to the State of Israel. The delegations do criticize some Israeli actions -- which is not surprising, as they are investigating conditions under military occupation. In some instances, the delegations also display a certain naivete. (The 1987 delegation, for example, reported that it investigated an Israeli charge that some trade unions in the occupied territories engage in purely political as opposed to trade union activities. When the delegation visited the union on its official mission, the delegates reported that they "were struck by the fact that, contrary to the many fears expressed by the Israeli authorities, no questions of a political nature were raised during their talks; the trade unionists confined themselves to matters relating to the difficulties involved in carrying out trade union activities." (ILO Report on the Situation of Workers in the Occupied Arab Territories, (Geneva, International Labour Office, March 18, 1987), p. 32.) (Hereinafter, ILO Reports on the Situation... will be designated ILO Report.) Despite these circumstances, the reports in no way substantiate the kinds of charges alleged by the petitioner before the USTR and in fact exonerate the State of Israel. The fact-finding aspect of these reports in particular is important in evaluating the State of Israel's compliance with international labor standards. The USTR is invited to review all ten reports.

B. THE RIGHT OF ASSOCIATION AND THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY WITHIN THE STATE OF ISRAEL

1. Freedom of Association Within the State of Israel: The Histadrut

The activities of the Israeli General Federation of Labor, the Histadrut, conclusively demonstrate that Israeli workers, Arab and Jew alike, enjoy complete freedom of association within the State of Israel. The United States Department of State reported that "Israel has a free, democratic labor movement, which plays an important role in social, economic, and political life." [7] The United States Department of Labor (DOL) appropriately described the Histadrut as "...a tough, militant union amalgam that fulfills all the requirements of unionism in Western terms." The DOL went on to note that "[u]nionism...has reached into all areas of Israeli life. Most occupations -- craft, industry, and profession -- are unionized. Approximately 75 to 80 percent of all workers belong to Histadrut and its affiliates.... Probably in no other country in the free world are the workers in all occupations and professions more union oriented." [8]

The Histadrut is a member in good standing of the International Confederation of Free Trade Unions (ICFTU), and the Histadrut General-Secretary serves on the Executive Board of the ICFTU. Membership in the ICFTU is open only to "bona fide trade unions which are independent of any outside dominating influence, derive their authority only from their members, [and] have a freely and democratically elected leadership...." [9], [10]

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7. United States Department of State, "Israel and the Occupied Territories", Country Reports on Human Rights Practices (Washington, DC, U.S. Government Printing Office, 1988), p. 1184. (Hereinafter referred to as Country Reports on Human Rights Practices.)

8. United States Department of Labor, Bureau of International Labor Affairs, Country Labor Profile: Israel (Washington, DC, U.S. Government Printing Office, 1979) p. 6. (Hereinafter referred to as USDOL Country Labor Profile.)

9. International Confederation of Free Trade Unions, The ICFTU - What it is - What it Does (Bruxelles, International Confederation of Free Trade Unions Press, Publications and Communications Department, n.d.) p. 2.

10. Membership alone in the ICFTU does not demonstrate the existence of industrial democracy in a country, as the organization will accept genuinely democratic unions that are embattled by repressive governments (e.g., in Turkey today.) But its acceptance in the ICFTU demonstrates the pervasiveness of industrial democracy in Israel, since some 80 percent of the Israeli population is directly or indirectly affiliated with the Histadrut. Israel, Foreign Labor Trends (Washington, DC, U.S. Department of Labor, Bureau of International Labor Affairs, 1985-1987), p. 6. (Hereinafter referred to as USDOL Foreign Labor Trends.)

With respect to the independent and democratic nature of the Histadrut, the United States Department of Labor reports that:

"Histadrut is a democratic organization. Its Congress or General Convention (1501 members) is elected in general membership elections every four years, on a party list, proportional representation basis. The Na'amat [the Working Women's Movement of the Histadrut] and members of 72 local Labor Councils throughout Israel are chosen in the same general elections. It is also on a party list, proportional representation basis that the Congress elects Histadrut's Council (501 members), which meets about once every 8 months, and that it elects the Executive Committee (189 members). The Executive Committee, which meets every month or 6 weeks, elects the Secretary General and Executive Bureau (40 members) on an individual basis...Workers Committees are chosen in separate elections in each plant or enterprise and General Secretaries of national unions are affiliated to local Labor Councils." [11]

Histadrut elections are held by secret ballot.

The Histadrut also has a judiciary system to ensure that the rights of its members are protected. Local courts throughout the State of Israel, elected by local labor councils, hear claims by individual Histadrut members arising out of membership rights. Decisions of the local courts can be appealed to a national court.

Supervision of the elected institutions of the Histadrut is carried out nationally and locally by committees elected by national and local labor councils. These oversight committees examine the budgetary actions of all Histadrut institutions, as well as their adherence to the rules governing their internal obligations. Any individual may also ask these committees to investigate actions which are felt to be not in accordance with the Histadrut constitution.

There are no religious, cultural, or ideological barriers to membership in the Histadrut: 68 percent of Israeli Arab and Druze workers belong to the Histadrut. [12] Israeli Arab and Druze workers are full members, and they participate fully, alongside their Jewish peers, in electing representatives to local bodies, national trade unions and the highest Histadrut governing bodies. [13]

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11. Ibid., pp. 11-12.

12. Ibid., p. 10.

13. After Israeli Arab members of the Histadrut independently launched a one-day strike last December 21, 1987 in support of the intifada, or uprising by Palestinian Arabs in the occupied territories, the Histadrut Executive Council reported that it would "protect the rights of the Israeli Arab workers taking part in the general strike that has been called today (21 December) in the Israeli Arab sector....," and extended trade union protection to Israeli Arabs who took part in the solidarity action, despite the political and "wildcat" nature of the strike. ("Panorama: Israel," Free Labour World (Bruxelles, ICFTU, January 15, 1988)

Finally, as the United States Department of Labor notes:

"The Histadrut prides itself on being a comprehensive labor movement, not just a trade union federation. Its activities reach far beyond those normally associated with labor unions in most other democratic, developed countries. Approximately 25% of Israel's GNP and private sector employment is provided by the many industrial, financial, construction and other business enterprises, supermarkets, agricultural marketing and agricultural cooperatives, etc....belonging or affiliated to Histadrut's Hevrat Ovdim...Koor industries, the Solel Boneh construction firm, the Workers Bank (Bank HaPoalim), the Hassneh insurance company and the kibbutzim and moshavim are among the best known components of Hevrat Ovdim. Histadrut's General Sick Fund (Kupat Holim Clalit) provides over half of Israel's health services through its 15-17 hospitals, 15 convalescent and recreation homes and more than 1290 local clinics. Kupat Holim provides or finances all health care for 75-85% of Israel's population, in return for 70% of their Histadrut dues, or by special arrangement for payment by religious labor organizations for their members, or from the National Insurance Institute for Welfare Cases,...Histadrut also includes Israel's leading women's organization, 'Na'amat,' 7 pension funds (to be merged into 1) supplementing social security and providing most of their pensions for most Israelis, one of Israel's two major vocational training networks (Amal), welfare agencies and a myriad of cultural, educational and recreational organizations....

"Histadrut has also been active for many years in the labor assistance field, and runs two training institutes for foreign trade unions, cooperatives, women's organizations,.... The Afro-Asian Institute...will celebrate its 30th anniversary next year. More than 15,000 students from 76 countries have attended its regular labor and cooperative (and special farm cooperative) courses in Israel, given in English and French. The Center for Labor and Cooperative Studies for Latin America, Spain and Portugal...celebrates its 25th anniversary in September 1987. More than 10,000 students have attended its courses in Israel and travelling seminars in Latin America, Spain and Portugal. Histadrut and its institutes maintain extensive contacts with many of those who have attended past courses, including many important labor leaders, especially African." [14]

The Histadrut labor federation has for the last seven decades served as a model for democratic trade union movements throughout the world. Its far-reaching activities demonstrate conclusively that citizens of the State of Israel, Arabs and Jews alike, enjoy complete freedom of association.

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14. USDOL Foreign Labor Trends, op. cit., pp. 11, 18, 21.

2. The Right To Organize and Bargain Collectively Within the State of Israel

Collective bargaining within the State of Israel takes place on many levels. At the national level, collective agreements on the status of all workers are negotiated between the Histadrut Executive Committee and representatives of the employers in the government, private or public sectors. Agreements are then negotiated between the National Trade Unions and the corresponding industry heads, private or public. The individual labor conditions in each enterprise are negotiated between managements and the works committees. A Settlement of Labor Disputes Law contains the machinery for mediation and arbitration to facilitate the peaceful settlement of disputes. The law does not make arbitration compulsory or limit the right to strike.

Collective bargaining by the Histadrut has an impact on the improvement of working conditions that extends beyond its own membership. The Collective Agreements Law gives legal recognition to collective agreements, and empowers the Minister of Labor to extend the standard of working conditions set in collective agreements to enterprises which have not signed the agreement.

It is clear that the freedom to organize and bargain collectively exists for Israeli citizens within the State of Israel.

3. Freedom of Association and the Right to Organize and Bargain Collectively for Palestinian Arab Frontier Workers Who Work Within the State of Israel

a. Freedom of Association: for Palestinian Arab Frontier Workers Within the State of Israel: The Histadrut

Palestinian Arabs from the occupied territories who work within the State of Israel are frontier workers, comparable to Italian workers who toil in Switzerland. They are considered frontier workers because they are not Israeli citizens, yet they commute daily to work within the state from an area not under Israeli sovereignty. Any other designation would imply Israeli sovereignty over the occupied territories, an implication that the movers of the USTR petition would surely not accept. The Histadrut has declined to accept Palestinian Arab frontier workers as full members for fear that this could be interpreted as support for the annexation of the occupied territories, a position that the labor federation does not support.

Palestinian Arab frontier workers therefore do not pay the same union dues as Histadrut members. Israeli citizens pay their union dues to the Histadrut based on a sliding scale according to income, which average 4.5 percent of monthly earnings, up to a fixed ceiling. Palestinian Arab frontier workers pay a one percent fee "...being intended mainly to cover the costs of collective bargaining, the agreements

resulting from which apply to all workers." [15] This practice is comparable to "agency shop" provisions in collective bargaining agreements negotiated in the United States, in which members of a bargaining unit who do not wish to be members of a union are still required to pay 75 or 80 percent of the monthly union dues, since it is assumed that they benefit from improvements in wages, hours and conditions of employment negotiated by the union. A relatively low one percent fee (which is only one-fifth of the average dues paid by Israeli Histadrut members) is reasonable, since Palestinian Arab frontier workers do not have access to Kupat Holim (the Histadrut sick fund) or the cultural activities sponsored by the Histadrut that are open only to full members. Kupat Holim alone, as noted above, requires a budget equivalent to 70 percent of a full member's dues.

In addition to negotiating wages and conditions that benefit Palestinian Arab frontier workers, the Histadrut also provides direct services to these workers. The workers may appeal to the Histadrut to represent them in resolving a dispute with an employer over occupational rights. [16] The Histadrut also represents Palestinian Arab frontier workers in labor courts. [17] The Histadrut conducts information campaigns to inform Palestinian Arab frontier workers of their rights: it distributes leaflets in Arabic delineating general conditions of employment and encouraging frontier workers to participate in works committees' elections [18]; organizes seminars to inform Palestinian Arab frontier workers of their rights [19]; and conducts a weekly question and answer radio program in Arabic. [20] In addition, the Histadrut assigns a person in each of its labor councils -- which have jurisdiction over all trade unions in the geographic area -- to be responsible for assisting Palestinian Arab frontier workers with any difficulties that they might encounter. [21]

Palestinian Arab frontier workers are also entitled to vote for and serve on works committees, even though they are not technically members of the Histadrut, and even though the works committees are recognized as the authorized organs of the Histadrut at the enterprise level. This has been confirmed on many occasions by the ILO Director-General's fact-finding delegations. The 1984 delegation stated: "[c]oncerning the participation of Arab workers from the occupied territories in works committees in Israel -- for which they are eligible and for which they may vote -- the

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15. ILO Report, op. cit., 1987, p. 31.

16. ILO Report, op. cit., 1985, p. 48.

17. ILO Report, op. cit., 1988, p. 28.

18. ILO Report, op. cit., 1981, p. 40.

19. ILO Report, op. cit., 1987, p. 30.

20. ILO Report, op. cit., 1988, p. 27.

21. ILO Report, op. cit., 1984, p. 49.

mission noted last year that the Histadrut's policy was to encourage this participation..." [22] "The procedure usually adopted consists in appointing to the works committee a delegate previously elected by the workers from the occupied territories." [23]

Neither the ILO Director-General nor the Histadrut is completely satisfied with the success of these efforts to involve Palestinian Arab frontier workers in the works committees. The Director-General's 1987 delegation observed the frontier workers' "definite reluctance to take advantage of the opportunity...." [24] The 1982 delegation noted that "...the workers are not often particularly inclined to carry out activities on these committees because they find it difficult to fit them in with their work and daily travel schedules." [25] Political considerations are probably more important in explaining this reluctance. The 1980 delegation reported that "Palestinian circles and several Arab unions on the West Bank of the Jordan have indicated...that, for political and social reasons, the Arab workers did not wish to join the Histadrut, which, according to them, has endeavored to affiliate them." [26] The 1983 delegation reported that "[a]s an Israeli Arab trade union member of the Histadrut pointed out to the mission, even when permanently employed they still look at themselves as temporary workers and refuse the protection of the Histadrut." [27] Despite this reluctance, the Histadrut has adopted a policy that requires representation by Palestinian Arab frontier workers on works councils in any plant in which the frontier workers constitute over 20 percent of the work force.

b. Freedom of Association for Palestinian Arab Frontier Workers Within the State of Israel: Palestinian Unions

The petitioners allege that unions of Palestinian Arab frontier workers have been declared illegal in East Jerusalem. Yet the petitioners themselves have referred to articles that describe the legal activities of these trade unions in both East and West Jerusalem. Furthermore, any Israeli employer who refuses to deal with a legally certified trade union may be taken to labor court, just as any legally certified bargaining representative in the United States may take a recalcitrant employer to our National Labor Relations Board. The existence of the National Labor Relations Board in the United States clearly does not signify that the United States violates the internationally recognized right of freedom of association.

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22. ILO Report, op. cit., 1984, p. 47.

23. ILO Report, op. cit., 1985, p. 55.

24. ILO Report, op. cit., 1987, p. 31.

25. ILO Report, op. cit., 1982, p. 126.

26. ILO Report, op. cit., 1980, p. 147.

27. ILO Report, op. cit., 1983, p. 29.

As one ILO Director-General's delegation noted, "...the Histadrut ha[s] stated that it was ready to sign agreements guaranteeing trade union protection to members of a trade union organization set up to represent the interests of workers from the occupied territories, if it so wished." [28] The Palestinian Arab frontier workers, for their part, are not "...anxious to set up their own trade unions in Israel." [29] In short, "although such unions are legally possible, turning them into a reality seems to be a priority for no one." [30]

Nevertheless, it is very important to note that the right of freedom of association within the State of Israel does exist for Palestinian Arab unions. [31] Some such unions exist. According to one report,

"Several union activists report that strikes by Palestinians from the occupied territories occur frequently in the Israeli workplace, but they tend to be short, since there is no strike fund to sustain long actions. The unions have been most successful in West Jerusalem, as in the strike at the Berman bread bakeries in the fall of 1985 and earlier strikes in a number of tourist hotels, which employ many West Bank Palestinians as dishwashers and cleaners." [32]

It is clear that Palestinian Arab frontier workers enjoy the right of freedom of association within the State of Israel. They pay an agency fee to the Histadrut, for which they receive the benefit of higher wages and working conditions negotiated by the labor federation, the right to vote for and serve on works councils, and representation before labor courts and other bodies. Further, Palestinian Arab frontier workers have the right to form (and in fact have formed) their own trade unions within the State of Israel to represent their interests as workers.

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28. ILO Report, op. cit., 1980, p. 14.

29. ILO Report, op. cit., 1984, p. 47. See also ILO Report, op. cit., 1982, p. 125 and ILO Report, op. cit., 1981, p. 41.

30. ILO Report, op. cit., 1985, p. 55.

31. Despite the enormous proportion of the Israeli working population that is affiliated with the Histadrut, other small labor centers do exist, demonstrating that it is possible to establish functioning unions outside of the Histadrut framework. Small unions of religious workers, journalists and high school teachers operate outside of the Histadrut framework, and could be a model for Palestinian Arab frontier workers. USDOL Country Labor Profile, op. cit., p. 6.

32. Joost R. Hiltermann, "Palestinian Unions: Force for Change in the West Bank," The Nation, Oct. 3, 1987, p. 339.

C. THE USE OF FORCED OR COMPULSORY LABOR WITHIN THE STATE OF ISRAEL

The petitioners to the USTR have not alleged that the State of Israel has violated either the ILO Convention Concerning Forced or Compulsory Labor (Convention 29) or the Convention Concerning the Abolition of Forced Labor (Convention 105) with respect either to Israeli citizens or Palestinian Arab frontier workers. [33]

D. MINIMUM AGE FOR THE EMPLOYMENT OF CHILDREN AND ACCEPTABLE CONDITIONS OF WORK WITH RESPECT TO MINIMUM WAGES, HOURS OF WORK AND OCCUPATIONAL SAFETY AND HEALTH WITHIN THE STATE OF ISRAEL

1. Minimum Age For the Employment of Children and Acceptable Conditions of Work With Respect to Minimum Wages, Hours of Work and Occupational Safety and Health Within the State of Israel

The United States Department of Labor has reported:

"[The] Histadrut has bolstered its status as a free labor movement by supporting enactment of the region's most advanced labor legislation.... Israel's evolving labor code has been based largely on conditions negotiated through collective bargaining in the past, and later supplemented by comprehensive labor laws. Labor legislation has been shaped largely by Histadrut, whose representatives sit on the Advisory Council which drafts the laws. The Minister of Labour is required to consult Histadrut, as majority spokesman for the nation's workers, on administration of the laws." [34]

The State of Israel's labor legislation is based largely on conditions originally secured for the worker through Histadrut demands. The eight-hour day, overtime pay, annual holidays, accident compensation, severance pay, and engagement of workers through the labor exchange are conditions that were originally secured by collective agreements, which are now enforced by law. The following is a list of major laws governing conditions of work within the State of Israel:

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33. The 1988 U.S. Department of State human rights survey notes that "There is no forced labor"... within the State of Israel. Country Reports on Human Rights Practices, op. cit., 1988, p. 1182.

34. USDOL Country Labor Profile, op. cit., p. 7.

Employment of Youth Law: regulates conditions of workers under 18. It requires a compulsory medical examination for young workers, forbids employment of children under 15, and bars youths under 16 from certain types of employment.

Apprentice Law: defines trades to which all youths must be properly apprenticed. The law regulates the form of the apprenticeship contract and requires proper training facilities.

Minimum Wage Law: establishes a minimum wage at 45 percent of the average national salary as calculated by the Central Bureau of Statistics, so that the minimum wage increases as wages and salaries rise. [35]

Hours of Work and Rest Law: limits the number of hours of work to eight in a day and 47 per week, and provides for a compulsory weekly rest period of 36 continuous hours. Overtime work is permitted only under certain circumstances, at rates of time-and-a-quarter for the first two hours and time-and-a-half for subsequent hours.

Paid Annual Holidays Law: grants all workers from two weeks to one month's annual holiday. Women are entitled to 12 weeks paid maternity leave and additional leave without pay with the right to return to work. [36]

National Insurance Law: provides accident insurance, maternity insurance, old-age pension, survivors pensions, children allowances, disability and unemployment compensation.

Labor Inspection Law: provides for regular labor inspections to enforce health and safety regulations in the workplace.

Collective Agreements Law: empowers the Minister of Labor and Social Affairs to extend the working conditions that are negotiated by the Histadrut to enterprises that have not signed the collective bargaining agreement.

The United States Department of State has observed that "Israel's labor laws are modern and comprehensive; they reflect social democratic values and the conditions of employment negotiated by Histadrut over many years." [37] The United States Department of Labor noted that "Israeli wage

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35. In the fall of 1988, the United States Congress considered a bill to raise the Federal minimum wage that would have linked future minimum wage increases to the average manufacturing wage. This important provision, comparable to the Israeli law, was defeated in committee.

36. A bill that would have provided unpaid family leave for U.S. workers failed to pass the United States Congress in the fall of 1988.

37. Country Reports on Human Rights Practices, op. cit., 1988, p. 1184.

scales and consequently living standards are comparable with those in many nations with far longer histories of industrialization." [38] Working conditions within the State of Israel are clearly above ILO standards.

2.Minimum Age for the Employment of Children and Acceptable Conditions of Work With Respect to Minimum Wages, Hours of Work, and Occupational Safety and Health For Palestinian Arab Frontier Workers Who Work Within the State of Israel

Palestinian Arab frontier workers who travel from the occupied territories to work within the State of Israel receive exactly the same wages, hours and conditions of employment as Israeli citizens, with the sole exception of three social security benefits that are based on residency.

With respect to non-social security provisions, the State of Israel provides, in law and in practice, complete equality of benefits for all workers, regardless of nationality. [39] Palestinian Arab frontier workers who are not covered by Histadrut collective bargaining agreements are nevertheless protected by the law that permits the Minister of Labor to extend the provisions of the collective bargaining agreements to nonunion employees; this is frequently done in practice. [40] In addition, a 1976 amendment to the Collective Agreements Law established dispute settlement committees to which workers can appeal if their conditions of employment are governed by an agreement which has been extended to cover them. This includes Palestinian Arab frontier workers.

"The policy of the Histadrut with respect to the Arab workers from the occupied territories is based on the principle of equal rights." [41] This is true in part for reasons of enlightened self-interest, i.e., the labor federation has an interest in protecting its members from the availability of "cheap labor." The Histadrut has thus sought to guarantee equality of wages and benefits for Palestinian Arab frontier workers.

As noted above, the Histadrut arranges for Palestinian Arab frontier workers to be represented on Histadrut works committees wherever they comprise 20 percent or more of the workforce. [42] The labor federation also maintains a special committee to ensure equality of rights for Palestinian Arab frontier workers, and has assigned special labor council officials to this task in areas of the country with appreciable numbers of Palestinian Arab frontier workers (approximately 50 locations). [43]

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38. USDOL Country Labor Profile, op. cit., p. 7.

39. ILO Report, op. cit., 1981, p. 37, also ILO Report, op. cit., 1984, p. 40.

40. Country Reports on Human Rights Practices, op. cit., 1988, p. 1188.

41. ILO Report, op. cit., 1984, p. 41.

42. USDOL Foreign Labor Trends, op. cit., p. 10.

43. ILO Report, op. cit., 1985, p. 49.

These efforts have yielded important benefits for Palestinian Arab frontier workers. For example, the Histadrut negotiated an end to the practice of recruiting workers from the occupied territories at lower wage rates, a practice that employers based on the frontier workers' lower education and skill levels. [44] The labor federation also launched a campaign to combat fraudulent practices by employers in the building sector who were not paying prescribed severance payments. [45] In addition, the ILO Director-General reports that his representatives "were able to gather that Israel's labour courts do in fact deal with disputes concerning the remuneration of workers living in the occupied territories who are regularly employed in Israel. In such cases the workers are assisted by the Histadrut, which has a workers' defense unit." [46]

These special efforts by the Histadrut to defend the rights of Palestinian Arab frontier workers can be quite important in maintaining equality of wages. As the first ILO Director-General's delegation noted, "the feeling of being treated with inequality may...be due to psychological factors connected with cultural differences and the political situation. Unfamiliarity with the procedures and regulations, combined with some measure of distrust, appears to be behind most of these situations" [the feeling of inequality despite the declared policy of non-discrimination]. [47]

The Israeli government has also adopted special protective occupational safety and health measures designed to meet the distinctive needs of Palestinian Arab workers from the occupied territories coming to work in the State of Israel. [48] As the ILO Director-General delegation noted, "In the more general area of occupational safety and health, the information received and certain specific examples that were observed indicated that a serious effort has been made in this respect, consisting of information campaigns in Arabic with extensive use of modern audio-visual techniques. Moreover, in every enterprise employing workers from the occupied Arab territories, the Ministry of Labour encourages the appointment of one of them as safety and health delegate." [49] Over 600 Palestinian Arab frontier workers have been trained as works safety officers, and 400 others have received specialized training in this area. [50]

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44. ILO Report, op. cit., 1986, p. 29.

45. ILO Report, op. cit., 1985, p. 53.

46. ILO Report, op. cit., 1988, p. 28.

47. ILO Report, op. cit., 1979, p. 26.

48. ILO Report, op. cit., 1980, p. 145.

49. ILO Report, op. cit., 1981, p. 35, also ILO Report, op. cit., 1980, p. 30.

50. ILO Report, op. cit., 1985, p. 50.

In order to protect the health and welfare of Palestinian Arab frontier workers who are granted overnight passes (approximately nine percent of the total Palestinian Arab frontier worker workforce), the Israeli government requires their employers to be inspected by the Minister of Labor to verify the health and safety standards of the enterprise. [51]

Finally, it should be noted that Palestinian Arab frontier workers must be at least 17 years of age to be granted a work permit. [52]

3. Special Legal Problems of Palestinian Arab Frontier Workers

Palestinian Arabs who travel from the occupied territories to the State of Israel to work do face legal difficulties stemming from their status as frontier workers. This situation, of course, is not peculiar to Palestinian Arab frontier workers, but common to frontier workers and other migrant workers around the world. The Palestinian Arab frontier workers face three problems in particular. First, they are unable to participate in three Israeli social security programs that are based on residence. Second, their status as temporary workers by definition presents problems (e.g., commuting costs, permit requirements) not faced by Israeli citizens (but common to frontier workers in other countries). Finally, Palestinian Arab frontier workers from the occupied territories who choose to work illegally within the State of Israel may face substandard conditions of employment.

a. Palestinian Arab frontier workers' participation in benefits programs

As mentioned above, Palestinian Arab frontier workers are entitled to receive all of the benefits that their Israeli coworkers receive, with the exception of three social security programs that require residency in the State of Israel. Contrary to the allegation in the petition filed with the USTR that Palestinian Arab frontier workers "receive 25 to 30 percent less than an Israeli worker in wages and benefits" (because they are allegedly not eligible for seniority security, seniority pay increases, sick and vacation days), Palestinian Arab frontier workers are in fact eligible for paid annual leave, paid sick leave, holiday pay, severance pay, spousal allowance, childrens' allowance, clothing allowance, bankruptcy pay, life insurance, work injury and occupational disease insurance, maternity benefits and supplemental pensions. [53]

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51. ILO Report, op. cit., 1985, p. 49.

52. ILO Report, op. cit., 1979, p. 29.

53. ILO Report, op. cit., 1979, p.33, also ILO Report, op. cit., 1980, p. 144.

A special provision was included in the National Insurance Law to extend coverage to Palestinian Arab frontier workers during the course of their travel to and from work. [54] Because they are not residents of the State of Israel, Palestinian Arab frontier workers are not eligible for old age and survivor benefits, invalidity and unemployment insurance.

It has also been alleged by the petitioners that the State of Israel deducts 20 percent (or 32 percent, the amount alleged is not clear) of the gross wages of Palestinian Arab frontier workers for social security benefits. In fact, a total of 5.35 percent is deducted from the worker's pay. [55]

Many countries have residency requirements for social security programs: the ILO Director-General delegation notes that "[i]nternational experience has shown that the issue of social security for migrant workers, and especially frontier workers, always poses delicate and complex problems...." [56] Indeed, the problems are so complex that the two ILO conventions dealing with equality of opportunity for migrant workers (Conventions 97, Migration for Employment, and 143, Migrant Workers, Supplemental Provisions) either specifically exclude frontier workers altogether from the convention (Convention 97) or exclude frontier workers from articles of the convention that discuss equality of opportunity (Convention 143).

The solution effectuated by the State of Israel is to transfer deductions from Palestinian Arab frontier workers' wages that represent contributions to these programs into a reserve fund, which is used to finance economic development and social projects in the occupied territories, including an emergency job creation plan. [57]

Contrary to the allegation made by the petitioner to the USTR, Palestinian Arab frontier workers <u>are</u> entitled to pensions, via the Histadrut:

"[A]ffiliation to the Histadrut's pension and mutual assistance fund is virtually compulsory for all workers under the collective agreements which provide for contributions from the workers and the employer. Workers from the occupied territories are bound by these agreements and are entitled to the corresponding benefits." [58]

The minimum qualifying period for a pension is ten years. Since participation of Palestinian Arab frontier workers in this plan did not begin until 1969, pensions from this plan did not begin to be paid out until 1980. About 700 Palestinian Arab frontier workers currently receive pensions [59], a number that is slowly increasing every year.

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54. ILO Report, <u>op</u>. <u>cit</u>., 1979, p. 33.

55. ILO Report, <u>op</u>. <u>cit</u>., 1988, p. 52.

56. ILO Report, <u>op</u>. <u>cit</u>., 1979, p. 34.

57. ILO Report, <u>op</u>. <u>cit</u>., 1985, p. 54.

58. ILO Report, <u>op</u>. <u>cit</u>., 1979, p. 33.

59. ILO Report, <u>op</u>. <u>cit</u>., 1988, p. 23.

b. Problems inherent in the temporary nature of frontier work

Palestinian Arab frontier workers also face problems inherent in the temporary nature of their work within the State of Israel. These conditions include inconveniences, such as long commutes to and from work each day (up to one hour each way), as well as language and other barriers:

"[A]s regards the career prospects of workers from the occupied Arab territories, the Israeli authorities have drawn attention to the favorable trend over the past ten years, considering the original level of education and basic training of the workers concerned. This trend is largely attributable to the acquisition of a certain amount of seniority and experience in their work, which has helped them to improve their technical skills and knowledge of the language and to take part in training and career advancement schemes in the undertakings themselves." [60] (This is also a response to the petitioners' charge that there are differences between the occupational patterns for Palestinian Arab workers and that of the Israeli labor force.)

This adaptation does take time. Meanwhile, the Palestinian Arab frontier workers must periodically renew their work permits. Permits are renewed for a four-, six- or twelve-month period, depending on the seasonality of the work. [61] The seasonality of the jobs for Palestinian Arab frontier workers is also a problem: only 36 percent of these workers have been employed by the same employer for more than two years. [62] While renewal of a permit is automatic if the worker remains with the same employer, employers could utilize the system to punish a frontier worker that they simply do not like.

Finally, employers in Israel may feel obliged to lay off Palestinian Arab frontier workers before laying off Israeli workers, since one of the goals of the system of employment offices set up in the occupied territories is to fill job vacancies not taken by Israeli workers. (This was the situation faced by Palestinian Arab frontier workers from the occupied territories who were sent home from oil-rich Gulf states after the economic turndown in recent years. [63]) In other instances, however, employers seemed to favor Palestinian Arab frontier workers:

"Generally speaking, the rules applied by the enterprises visited by the mission this year apply the criterion of length of services, in accordance with the relevant collective agreements, though this criterion may give way to that of worker productivity.... [I]t is worth noting that, generally speaking, many Israeli employers are

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60. ILO Report, op. cit., 1983, p. 31.

61. ILO Report, op. cit., 1988, p. 17, also ILO Report, op. cit., 1986, p. 26.

62. ILO Report, op. cit., 1985, p. 51.

63. ILO Report, op. cit., 1988, p. 11.

opposed to the dismissal of workers from the occupied territories for two reasons: first, because these workers undertake tasks which it would be very difficult to get Israeli workers to do, and second, because of their reliability." [64]

c. Substandard Conditions Faced by Illegal Workers

It is quite possible that some Palestinian Arab frontier workers who choose to work illegally within the State of Israel face substandard working conditions. As the ILO Director-General's delegation notes, "...it is more than anything the status of 'irregular' workers employed in Israel outside official channels that is responsible for undermining application of the principle of equality of opportunity and treatment." [65] Indeed, "[t]he marked contrast between the assessments which each side makes of the employment situation of Arab workers from the occupied territories in Israel is probably partly attributable to the phenomenon of 'irregular' employment." [66]

Both the Israeli government and the Histadrut have developed programs to combat illegal employment, for both have a stake in limiting the number of illegal workers. The State of Israel is also a party to Convention 143, which requires governments to fight illegal migration for employment. The government is concerned about losing income taxes, which are deducted and utilized by the military authorities to fund the civilian administration of the occupied territories. The Histadrut is concerned about wage competition from "cheap labor." The task is made more difficult by the fact that the Palestinian Arabs are frontier workers: as the ILO Director-General's delegation notes:

"The mission is aware of the difficulties inherent in implementing an effective policy in this field, which are perhaps increased for the particular type of migration involved (characterised by the fact that the worker goes home every day and by the frequently seasonal or even daily nature of the work)." [67]

In 1985, the Histadrut developed a campaign to organize illegal frontier workers, beginning in the building sector [68], a campaign that has had some success. [69] Because demand for Palestinian Arab frontier workers

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64. ILO Report, op. cit., 1985, p. 52.

65. ILO Report, op. cit., 1983, p. 29.

66. ILO Report, op. cit., 1981, p. 25.

67. ILO Report, op. cit., 1980, p. 138.

68. ILO Report, op. cit., 1985, pp. 47-48.

69. ILO Report, op. cit., 1986, p. 22.

in the State of Israel has consistently been greater than the supply, illegal Palestinian Arab frontier workers can regularize their status without difficulty. The Histadrut approach is to organize illegal workers and persuade them to legalize their status. [70]

The Israeli government has also instituted an array of measures to combat illegal employment. As the ILO Director-General's delegation noted in 1987:

"The Israeli authorities have continued to apply a whole series of measures to reduce irregular employment. As mentioned last year, these include information campaigns (press, radio, television, lectures), spot road checks, penalties for the workers and employers concerned and for Arab and Israeli middlemen. The amount of the fines has been considerably increased, particularly for offending employers." [71], [72]

This problem persists, and the ILO Director-General delegations have repeatedly urged the Israeli government to do more to stem the flow of illegal workers. Two allegations regarding illegal workers were made in the petition to the USTR: that illegal workers live during the week in the State of Israel and face substandard conditions, and that "reliable reports" exist of child labor in the agricultural sector.

As noted above, all living facilities provided by Israeli employers are subject to inspection, and child labor is outlawed within the State of Israel for Israeli citizens and Palestinian Arab frontier workers alike. Workers who find themselves and/or their children (if this can be confirmed by independent sources) in these conditions are thus working illegally, in violation of Israeli labor standards.

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70. This approach is very similar to a program initiated by the International Ladies Garment Workers Union in the United States. After the passage of the 1986 Immigration Reform and Control Act, which provided a limited amnesty for illegal aliens, the ILGWU helped to organize and register new members from among their ranks.

71. ILO Report, op. cit., 1987, p. 22.

72. A certain amount of ambivalence is expressed. The check points, which met with approval by the ILO Director-General's delegation, were also a cause of complaint in other sections of the reports due to the inconvenience that this caused Palestinian Arab frontier workers. The ILO Director-General also registered concern over the plight of illegal workers since the intifada: "Their situation has changed since early December [1987], and changed for the worse.... [w]hen the army imposes a curfew on a village or refugee camp, the only persons allowed to leave are workers in possession of a work permit...." In the next paragraph, he notes with approval that "Further restrictions on irregular employment seem to have been imposed...consistent with the [ILO] Director-General's earlier recommendations." (ILO Report, op. cit., 1988, pp. 20-21.)

A recent study by the United States General Accounting Office noted:

"[s]weatshops [defined as a business that regularly violates both safety or health and wage or child labor laws] are not just a historical problem or one confined to apparel shops in New York City. Rather, many knowledgeable federal and state officials believe there are serious problems in industries and locations across the United States." [73]

To condemn the State of Israel for the illegal actions of a number of employers in that country is equivalent to accusing the United States of systematically violating international labor standards because sweatshops still exist in a number of American cities.

In fact, condemning the State of Israel for these violations would be much more unfair. In the United States, it is virtually always true that illegal aliens remain "illegal" because they cannot otherwise obtain work. A citizen of Mexico, for example, has little chance of securing a job legally in this country, and has no choice but to work here illegally.

By contrast, virtually every single Palestinian Arab from the occupied territories who wants to work in the State of Israel can secure a job through legal channels. This is true because Israel's demand for labor still exceeds the supply [74], as it has for 20 years. There is no need for a Palestinian Arab to work illegally and face the concomitant uncertain working conditions. The only possible reason for working illegally is the desire of the employee to avoid the payment of taxes. It is simply unfair to condemn the State of Israel, which has vigorously fought illegal employment, for alleged substandard conditions faced by illegal workers who have every opportunity to work under legal conditions but who violate the law of their own free will.

4. Conclusions concerning conditions of work for Palestinian Arab frontier workers who work within the State of Israel

The situation facing Palestinian Arab frontier workers with respect to conditions of work may be summarized as follows: Palestinian Arab frontier workers receive the same conditions of employment, secured with the assistance of the Histadrut, as Israeli citizens. They do face special problems stemming from their frontier worker status, which are not unique to the present situation but common to workers in similar situations around the world.

Further proof of these assertions, in addition to the evidence amassed by the annual missions of the ILO Director-General, may be found in the actions of the specialized ILO bodies that supervise the State of Israel's compliance with ILO conventions. The actions of two committees are relevant. The Committee of Experts on the Application of Conventions and Recommendations is described as follows:

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73. Human Resources Division, United States General Accounting Office, Sweatshops in the U.S.: Opinions on Their Extent and Possible Enforcement Options (Washington, DC, GAO Superintendent of Documents, August 1988), pp. 16, 49.
74. ILO Report, op. cit., 1988, p. 18.

"This body, composed of independent experts, has to examine annually the reports supplied by governments on ratified Conventions and other information available, and makes comments when it finds discrepancies or notes progress in the applications of these Conventions. The Conventions on trade union rights constitute an important part of this supervision. In addition, the Committee of Experts carries out general surveys on certain selected instruments, which also cover countries which have not ratified the Convention(s) concerned." [75]

The second ILO committee of special relevance is the Freedom of Association Committee. This committee was set up to investigate complaints of violations of trade union rights:

"[T]he tripartite Committee on Freedom of Association, consist[s] of nine members of the ILO Governing Body and meeting three times a year ...to examine complaints of infringement of trade union rights, even if the country in question has not ratified the ILO Conventions dealing with trade unions rights.... The Committee usually bases its examination of a case on the documentary evidence submitted by the complainant organisation(s) and the government concerned." [76]

Together these two committees constitute the most important supervisory machinery available to the ILO.

It has been asserted by the petitioners to the USTR that the State of Israel violates ILO conventions relating to the right of association, the right to organize and bargain collectively, minimum ages for children, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health in their application to Palestinian Arab frontier workers. It is crucial to note that neither the ILO Committee of Experts nor the Freedom of Association Committee has ever charged the State of Israel with violating conventions dealing with these rights with respect to Palestinian Arab frontier workers.

a. Freedom of Association Committee

There has never been any case before the Freedom of Association Committee alleging any violations of the Freedom of Association and Right to Organize Convention (87), the Right to Organize and Collective Bargaining Convention (98), the Rural Workers Organizations Conventions (141) or the Labor Relations (Public Service) Convention (151) with respect to Palestinian Arab frontier workers or their unions within the State of Israel.

This supports the conclusion that Palestinian Arab frontier workers have complete freedom of association within the State of Israel, particularly since cases have been filed against Israel by the Freedom of Association Committee alleging violations of freedom of association within the territories under Israeli occupation as a result of the 1967 Six Day War.

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75. International Federation of Free Trade Unions, Trade Union Rights: Survey of Violations 1988 (Bruxelles, ICFTU Press, Publications and Communications Department, June 1988), p. 26.
76. Ibid., p. 27.

b. Committee of Experts

The State of Israel is subject to ILO investigation of its compliance with the following conventions that it has ratified:

1 Hours of Work (Industry)
9 Placing of Seamen
14 Weekly Rest (Industry)
19 Equality of Treatment (Accident Compensation)
20 Night Work (Bakeries)
29 Forced Labor
30 Hours of Work (Commerce and Offices)
48 Maintenance of Migrants' Pension Rights
52 Holidays With Pay
53 Officers' Competency Certificates
77 Medical Examination of Young Persons (Industry)
78 Medical Examination of Young Persons (Non-industrial)
79 Night Work of Young Persons (Non-industrial)
81 Labor Inspection
87 Freedom of Association and Protection of the Right to Organize
88 Employment Service
90 Night Work of Young Persons (Industry, revised)
91 Paid Vacations (Seafarers)
92 Accommodation of Crews
94 Labor Clauses (Public Contracts)
95 Protection of Wages Convention
96 Fee-Charging Employment Agencies
97 Migration for Employment
98 Right To Organize and Collective Bargaining
100 Equal Remuneration
101 Holidays with Pay (Agriculture)
102 Social Security (Minimum Standards)
105 Abolition of Forced Labor Convention
106 Weekly Rest (Commerce and Offices)
111 Discrimination (Employment and Occupation)
117 Social Policy (Basic Aims and Standards)
118 Equality of Treatment (Social Security)
122 Employment Policy Convention
133 Accommodation of Crews (Supplementary)
134 Prevention of Accidents (Seafarers)
136 Benzene Convention
138 Minimum Age Convention (1973)
141 Rural Workers Organizations
142 Human Resources Development Corporation
150 Labor Administration

The Committee of Experts does not await complaints by aggrieved parties before launching investigations to determine if a country is in compliance with conventions that it has ratified. The Committee of Experts has access to the detailed annual reports by the ILO Director-General concerning the treatment of Palestinian Arab frontier workers within the State of Israel, reports that contain many constructive criticisms over

the last 10 years. It is clear that the Committee of Experts regularly reviews the State of Israel's compliance with these conventions: the committee communicated with the State of Israel at least 13 times between 1967 and 1988. [77]

The State of Israel has ratified 41 ILO conventions, which collectively relate to every aspect of the allegations contained in the petition before the USTR. Yet, the Committee of Experts has never accused the State of Israel of violating Palestinian Arab frontier worker rights within the State of Israel. This fact, and the fact that the Freedom of Association Committee has never charged the State of Israel with denying Palestinian Arab frontier workers freedom of association within the State of Israel, strongly suggest that, at least as far as the ILO supervisory agencies are concerned, the State of Israel is fully in compliance with ILO conventions.

The evidence outlined in the previous pages concerning actual practice and the judgement of the ILO supervisory bodies taken together demonstrates that the State of Israel complies with international labor standards for Palestinian Arab frontier workers employed in the State of Israel.

PART II. THE STATE OF ISRAEL'S RESPECT FOR INTERNATIONALLY RECOGNIZED WORKER RIGHTS WITHIN THE TERRITORIES OCCUPIED AFTER THE 1967 SIX DAY WAR

Internationally recognized worker rights within the occupied territories are labor rights guaranteed under the laws of belligerent military occupation, primarily the 1907 Hague Convention and the 1949 Fourth Geneva Convention. [78]

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77. At the present time, the only outstanding issue concerns a demand by the committee for the Israeli government to issue regulations "under section 16(b) of the Youth Labor Law which...determines the kinds of non-industrial work involving particular danger to health and requiring a medical examination for fitness of employment and its periodic renewal up to the age of 21 years." (International Labour Conference, 73rd session, Report of the Committee of Experts, (Geneva, 1987) p. 134.)

78. The laws of belligerent military occupation are unrelated to laws governing "states of emergency." The laws of belligerent military occupation are specific to countries at war. Our organizations believe that ILO conventions should continue to define internationally recognized worker rights in countries that have declared a "state of emergency." At the same time, we believe that ILO standards, which appropriately apply even to countries in a "state of emergency," are not applicable to belligerent military occupations.

A. THE APPLICABILITY OF THE LAWS OF BELLIGERENT MILITARY OCCUPATION

Is it clear that the international laws governing the territories occupied by Israel after the 1967 Six Day War are the laws of belligerent military occupation. [79] This is acknowledged by the United Nations, the International Committee of the Red Cross, and those Arab countries that are still technically in a state of war with the State of Israel. The events leading up to the occupation are also relevant.

"The facts of the June, 1967 Six Days War demonstrate that Israel reacted defensively against the threat and use of force against her by her Arab neighbors. This is indicated by the fact that Israel responded to Egypt's prior closure of the Straits of Tiran, its proclamation of a blockade of the Israeli port of Eilath, and the manifest threat of the UAR's [United Arab Republic, i.e., Egypt] use of force inherent in its massing of troops in Sinai, coupled with its ejection of UNEF [United Nations Emergency Force]. It is indicated by the fact that, upon Israeli responsive action against the UAR, Jordan initiated hostilities against Israel. It is suggested as well by the fact, despite the most intense efforts by the Arab states and their supporters, led by the Premier of the Soviet Union, to gain condemnation of Israel as an aggressor by the hospitable organs of the United Nations, those efforts were decisively defeated. The conclusion to which these facts lead is that the Israeli conquest of Arab and Arab-held territory was defensive rather than aggressive conquest."[80]

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79. The State of Israel does not recognize the applicability of the Fourth Geneva Convention to the occupied territories, because the government believes that this may prejudice its view that the West Bank was never legally annexed by Jordan. (The West Bank was included in the original Palestine Mandate, and Jordan's annexation of the West Bank was recognized only by Britain and Pakistan. Egypt occupied the Gaza Strip from 1948 to 1967 (although it never claimed sovereignty over the Gaza Strip) and ruled the territory under a military occupation.) Nevertheless, although the State of Israel does not recognize the de jure applicability of the Fourth Geneva convention to the West Bank and Gaza Strip, the State of Israel has declared that it will strictly enforce all of the terms of the Fourth Geneva Convention in its military administration of these areas. The Israeli Supreme Court has interpreted the provisions of the Fourth Geneva Convention many times in cases involving alleged violations of the convention by the military government. Since the Hague Convention is worded in a manner that does not imply sovereignty of the vanquished over an occupied territory, the State of Israel has agreed that the terms of the Hague Convention do apply de jure to the West Bank and the Gaza Strip.

80. Stephen M. Schwebel, American Journal of International Law Volume 64 (1970), p. 344, cited in Meir Shamgar, ed., Military Government in the Territories Administered by Israel 1967-1980: The Legal Aspects (Jerusalem, 1982), volume 1, p. 21.

Further:

"The establishment of military government was the direct result of the armed conflict and of the entry of Israeli armed forces into areas in which the former governments, whatever their legal standing, were prevented from exercising their authority. According to International Law an exercise of the right of military administration over the territory and its inhabitants had no time limit, because it reflected a factual situation and pending an alternative political or military solution this system of government could, from the legal point of view, continue indefinitely." [81]

The Arab states, in fact, have been so insistent on this point that they managed to persuade the 1977 International Labor Conference (the annual plenary meeting of the ILO) to reject a report of its Committee of Experts relating to Israeli application of the conventions that the state has ratified in the occupied territories. As the government delegate from Egypt stated during the ILO Conference, "This is an occupation....[t]here are no procedures in the ILO, either in its Constitution or in its Standing Orders that we can apply to this particular case." [82] The inapplicability of Israeli-approved ILO conventions to the territories that the State of Israel occupies was confirmed by the ILO Director-General in 1986, when he ruled that "the occupation by Israel of Arab territories in 1967 cannot be considered as having extended to the occupied territories Israel's obligations under Conventions it has ratified.... [A]ctions taken by Israel in the occupied territories cannot be considered as having taken place 'within its jurisdiction'." [83] It is thus clear that all parties consider the territories occupied by the State of Israel after the 1967 Six Day War to be a military occupation that is subject to belligerent military occupation law.

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81. Meir Shamgar, ed., Military Government in the Territories Administered by Israel 1967-1980: The Legal Aspects (Jerusalem, 1982), volume 1, p. 35.

82. International Labor Conference, 63rd Session, Record of Proceedings (Geneva, International Labour Office, 1977) p. 715.

83. International Labor Office, Governing Body, 233d session, GB 233/16/30, Report of the Director-General: Sixth Supplementary Report. Second Report of the Officers of the Governing Body: Representation submitted by the Union of Building and Construction Workers of Nablus and thirteen other trade unions under article 24 of the Constitution of the ILO alleging non-observance by Israel of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), para. 7 (Geneva, International Labour Organization, June 23, 1986).

B. WORKER RIGHTS UNDER BELLIGERENT MILITARY OCCUPATION

A fundamental purpose of the laws of belligerent military occupation is to enable an occupying power to insure public order and safety while respecting the laws in force in the occupied territory. [84] An occupying power is required to administer the laws already in effect in the territory, but is permitted to amend the laws in two instances: 1) if the security of the occupying power is threatened [85], or 2) if the change in the law can reasonably be viewed as being enacted for the benefit of the population. [86]

Applicable worker rights standards under a belligerent military occupation are therefore limited to labor rights guaranteed in the Geneva and Hague Conventions and labor laws enacted by the territory's former administration, subject to amendments of those laws due to a threat to the security of the occupying power. In the present case, the USTR must evaluate the State of Israel's adherence to the labor provisions of the Geneva and Hague Conventions, and to Jordanian and Egyptian labor law (in the West Bank and the Gaza Strip, respectively), with the proviso that the State of Israel may amend those laws to protect its security.

C. INTERPRETATIONS OF INTERNATIONALLY RECOGNIZED WORKER RIGHTS AND THEIR APPLICATION WITHIN THE TERRITORIES OCCUPIED BY THE STATE OF ISRAEL

Three conflicting interpretations of international labor standards are of relevance in determining the appropriate international labor standards to be applied by the State of Israel to Palestinian Arab workers in the occupied territories: that of the ILO, that of the United States Department of State, and that of the Israeli Supreme Court.

1. Interpretation by the ILO of Internationally Recognized Worker Rights and their Application within the Territories Occupied by the State of Israel

As noted above, the ILO has already concluded that the State of Israel is not required to apply ILO conventions to workers in the occupied territories. (This includes all conventions except those guaranteeing freedom of association.)

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84. Thomas S. Kuttner, "Israel and the West Bank: Aspects of the Law of Belligerent Occupation," Israel Yearbook on Human Rights, Volume 7, (Jerusalem, Faculty of Law of Tel Aviv University, 1977), p. 182.

85. Ibid., p. 186 "The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention." (Fourth Geneva Convention, article 64).

86. Ibid., pp. 188, 189.

The Freedom of Association Committee has accepted cases involving practices by the military authorities in the occupied territories, implying that the State of Israel must respect freedom of association in the territories.

This is not surprising. The occupation of the West Bank and the Gaza Strip by the State of Israel is one of the few textbook belligerent military occupations that has taken place since World War II, and the ILO constitution makes no mention of worker rights under belligerent military occupation. The Freedom of Association Committee has always at once espoused a broad view of its jurisdiction, and a narrow view of its interpretations; it has always avoided the question of the applicability of freedom of association guarantees in a belligerent military occupation. Indeed, the committee has never been called upon to interpret this issue, for the State of Israel has always explicitly confirmed its commitment to the application of the Freedom of Association and Protection of the Right to Organize Convention (87) and the Right to Organize and Collective Bargaining Convention (98) in the occupied territories. The Freedom of Association Committee has therefore proceeded under the assumption that the State of Israel must guarantee the right of freedom of association.

The narrow focus of the Freedom of Association Committee does, however, pose intractable problems. As the Committee itself has stated, "...it is not for the Committee to pronounce upon questions concerning the occupation or administration of these territories...." [87] But the decisions of the committee, which are derived exclusively from ILO conventions and resolutions, do precisely that. The Freedom of Association Committee decisions in effect legislate amendments to the internationally accepted laws of belligerent military occupation.

One example is a recent Freedom of Association Committee decision pertaining to the occupied territories. [88] The Committee condemned the State of Israel for giving a broad interpretation to an Egyptian labor law that prevented workers convicted of criminal offenses from holding union office. The State of Israel interpreted the law as precluding workers convicted of security offenses from serving as officials in trade unions. An analog of this is the denazification program conducted by the Allied troops among the trade unions in occupied Germany. Yet, the Freedom of Association Committee found that the Israeli interpretation violates an ILO principle of freedom of association that holds that a country must not give "a broad interpretation on trade union election legislation so as to deprive certain persons of the right to hold elected posts..." [89] The Freedom of Association Committee's decision violates

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87. ILO Freedom of Association Committee, 251st Report, case no 1390.(Geneva, International Labour Office, May 28-30, 1987), p. 49. (Hereinafter FOAC.)

88. FOAC, 256th Report, case no 1414, May-June 1988.

89. FOAC, op. cit., case 1414, p. 30.

the law of belligerent military occupation that permits an occupying power to amend local laws to protect its security. It also violates common sense. One of the weaknesses of the ILO constitution is that it did not foresee the possibility of this clash.

2.Interpretation by The United States Department of State of Internationally Recognized Worker Rights in Their Application within the Territories Occupied by The State of Israel

The United States Department of State has also taken a broad view of the situation and reached exactly the opposite conclusion to that of the Freedom of Association Committee. In a memorandum to the USTR, the Executive Secretary of the U.S. Department of State took the following position:

"The occupied territories...are governed by the law of belligerent occupation, in particular, the Fourth Geneva Convention. Worker rights under a regime of belligerent occupation would differ in significant respects from the rights that are applicable where no belligerency exists. We have no reason to believe that in enacting section 2462(b)(7) [the worker rights provision of the GSP law] Congress intended that situations of belligerent occupation be reviewed." [90]

The State Department thus takes the position that internationally recognized worker rights under a belligerent military occupation are extremely few and that they are certainly respected by the State of Israel.

3.Interpretation by the Israeli Supreme Court of Internationally Recognized Worker Rights in Their Application Within the Territories Occupied by The State of Israel

The interpretation of internationally recognized worker rights applicable in the territories occupied by the State of Israel that has been adopted by the Israeli Supreme Court should be adopted by the USTR. This interpretation may be summarized as follows: The State of Israel must grant Palestinian Arab workers who live in the occupied territories the right of freedom of association, provided that this does not jeopardize the public order or the security of the military occupation authorities.

This is the view adopted by the Israeli Supreme Court in Bahij Tamimi et al., v. Minister of Defense et al. [91] The case is summarized by John Quigley:

"With respect to a group of lawyers seeking the right to form a union in the West Bank, the Israeli military governor issued an order retaining for himself the right to appoint the members of the executive committee of the union, and prohibiting independent

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90. Levitsky, op. cit., p. 1.

91. Bahij Tamimi et al., v. Minister of Defense et al., High Court of Justice of Israel, No. 507/85, Ruling of September 16, 1987

financing of the union. The Supreme Court of Israel, ruling on an appeal filed by the lawyers, stated that the lawyers had a right to elect their own executive committee and to fund the union themselves. The Court based its finding not on human rights law, but on Article 43 of the 1907 Hague Regulations, which requires an occupier to restore 'public life.' The Court [ruled] that the 'public life' that an occupant is required to restore is that of a democratic late twentieth-century state. The Court thus found a requirement of following democratic practices, which it said included a right for at least this particular union to elect its own officers, subject, it said, to the power of the military governor to dismiss union officers who might have a connection with a 'hostile organization'." [92]

The Israeli Supreme Court, in the tradition of that country's liberal democratic values, gave the broadest possible interpretation of the rights of workers under belligerent military occupation. The Court ruled that the State of Israel must respect the freedom of association of Palestinian Arab workers, provided that these rights do not infringe upon the basic mandate of any military government, i.e., the maintenance of public order and protection of its security. This is the standard that the USTR should adopt in evaluating the State of Israel's compliance with internationally recognized worker rights as they relate to the territories occupied by the State of Israel as a result of the 1967 Six Day War.

D. THE RIGHT OF ASSOCIATION AND THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY WITHIN THE OCCUPIED TERRITORIES

1. Palestinian Trade Unions in the Occupied Territories

The State of Israel extends the right of freedom of association and the right to bargain collectively to Palestinian Arab workers within the occupied territories. The military government never interferes with unions or trade union leaders for their pursuit of trade union goals. The only restrictions that the military government places on the exercise of these rights relate to legitimate security concerns that are permitted an occupying power under international law.

The existence of trade unions in the occupied territories has been noted by the United States Department of State, which observed in 1985 that:

"The Israeli occupation authorities have permitted a wide range of labor, professional, and fraternal groups organized before 1967 to continue to function. Professional associations are active and frequently take public stands on political issues. No political parties or other groups viewed as primarily political are permitted... Strikes are legal so long as they are not undertaken for political reasons. There were no arrests for labor-organizing activities in 1985.... The occupation authorities must approve all candidates for election to union office, but such elections are held without other interference." [93]

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92. John W. Quigley, Testimony ... before the General [sic] System of Preferences Subcommittee, Trade Policy Staff Committee, Office of the USTR (Washington, DC, November 1988), pp. 13-14.
93. Country Reports on Human Rights Practices, 1986, p. 1273.

This has been confirmed by successive ILO Director-General's delegations. The 1988 delegation confirmed that 38 unions in the West Bank and seven in the Gaza Strip have been registered, that Jordanian labor legislation enacted in 1960 is still enforced in the West Bank, and that Egyptian labor law is enforced in the Gaza Strip. [94] The Israelis provided the Gaza Trade Union Federation with a plot of land to build offices, financial facilities and the right to transfer funds. [95]

Trade unions in the West Bank and the Gaza Strip do exist despite difficulties facing union organizers in the occupied territories. As the first ILO Director-General's delegation noted:

"The traditional economic structures, dominated by agriculture and small commercial and industrial concerns, and more recently the development of subcontracting, have not provided conditions conducive to the expansion of occupational organizations of workers. There are some trade unions on the West Bank which are relatively small but which seem to be able to engage in a certain number of activities; elections take place regularly and some were held quite recently. On the other hand there are unions that would seem to exist on more or less a formal basis and the mission was unable to establish whether they carried out any genuine occupational activities." [96]

Another economic difficulty facing trade union organizers in the occupied territories is the fact that one out of every three Palestinian Arab workers living in these territories commutes to work in the State of Israel every day. [97]

Nevertheless, trade unions in the occupied territories do exist and carry out trade union functions. The military administration has registered 15 new unions since the military occupation started. [98] There is manifestly no wholesale banning of unions.

2.The problem of security threats to the military administration and the State of Israel

Jordanian labor law, enforced by the Israeli military administration in the West Bank, permits any group of 21 or more workers to proclaim themselves a union. Many self-proclaimed unions are legitimate trade union organizations, concerned with the social and economic welfare of their members. These unions are permitted to function without interference. Many, however, are patently "front groups" that openly espouse the complete destruction of the State of Israel by any means necessary. Many of the latter are openly affiliated with various factions within the Palestine Liberation Organization (PLO).

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94. ILO Report, op. cit., 1988, p. 24.

95. ILO Report, op. cit., 1984, p. 33.

96. ILO Report, op. cit., 1978, p. 30.

97. ILO Report, op. cit., 1986, p. 33.

98. ILO Report, op. cit., 1985, p. 44.

The PLO and its factions were declared by both the Congress and the Administration to be terrorist organizations by the Anti-Terrorism Act of 1987. [99] A terrorist organization is a clear threat to any military government; the Palestine National Covenant states that:

"The aim of the Palestinian Revolution is to dismantle this entity [Israel] with its political, military, social, syndical, and cultural institutions and to liberate all Palestine.... Armed struggle is the only way to liberate Palestine...the liberation of Palestine is a national duty to repulse the Zionist presence from Palestine.... The partition of Palestine in 1947 and the establishment of Israel are fundamentally null and void...."

It is obvious why Israel's military administration in the occupied territories considers the PLO and PLO-affiliated organizations to be a threat to its security. The PLO's record of spectacular acts of pure terrorism against civilians more than justify this assessment. Indeed, the situation facing the military administration in the West Bank and Gaza Strip is more difficult than that facing other military occupations, because the aim of the hostile "resistance" is not simply the end of the occupation, but in fact the total destruction of the occupying power.

The Israeli government has supplied a great deal of information to the USTR linking the PLO and its factions to many of the unions that exist or claim to exist in the occupied territories. [100]

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99. Title X, Public Law 100-204, 101 Stat. 1331.

100. Four trade union federations are organized along the lines of factions within the PLO: the General Federation of Trade Unions in the West Bank, affiliated with the Palestine Communist Party; a second federation with the same name affiliated with al-Fatah, the largest organization in the PLO; the Workers' Federation Bloc, affiliated with the Democratic Front for the Liberation of Palestine; and the Union Action Front, affiliated with the Popular Front for the Liberation of Palestine. PLO terrorist activity has been directly linked to these unions. For example, the head of an al-Fatah trade union was killed while preparing a bomb in the offices of the union; in another incident, a terrorist unit based in a trade union placed bombs at bus stops, injuring a number of civilians. In a case before the Freedom of Association Committee, it was revealed that an individual that appealed to the Committee to rectify alleged violations of his trade union rights had been arrested for sheltering a terrorist who had bombed a Jerusalem supermarket and killed two persons. Another individual who was protesting a violation of his right to freedom of association in the case had been caught attempting to enter the State of Israel with explosives, weapons and ammunition. (FOAC, 122nd Report, case no 567, March 2-5, 1971, p. 15.)

These unions do not attempt to conceal their affiliation with the PLO. In 1987, a complaint was filed with the ILO Freedom of Association Committee on behalf of various trade unions in the occupied territories. It was filed by the World Confederation of Labor, which is affiliated with the ILO, and the Palestine Trade Union Federation. In the complaint, the PTUF alleges that "...on 17 October, 1986 the headquarters of the Union of Palestinian Trade Unions in Jerusalem was taken over and searched by the Israeli authorities and that some of the people present were interrogated and subsequently arrested." [101] The Palestine Trade Union Federation -- whose logo is a map that includes all of the State of Israel, with the Arabic word "the returners" emblazoned across the map -- is identified in official ILO documents as the representative of the PLO. [102]

Given the links of many Palestinian Arab trade unions to the PLO, the military authorities have been very strict in insisting that legitimate trade unions comply with military occupation law and focus solely on activities that promote the social and economic welfare of their members. They look very closely at groups that have declared themselves to be trade unions before officially registering them as bona fide unions. [103]

3.Allegations Concerning Restrictions by the Military Government On Freedom of Association and the Right to Organize and Engage in Collective Bargaining Within the Occupied Territories

The majority of the allegations made by the petitioners to the USTR concern the right of freedom of association in the occupied territories.

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101. FOAC, op. cit., case no 1390, p. 46.

102. International Labor Conference, Provisional Record (Geneva, International Labor Organization, 1988) p. 33/7, par. 38.

103. Any contact with the PLO, its subdivisions, or with individual members of these groups by Israeli citizens is also punishable under Israeli law. (Country Reports on Human Rights Practices, 1988, pp. 1183-1184.) The recent declaration by the PLO of an independent state in unspecified territory would have no impact on the rights of an occupying power under the law of belligerent military occupation. The declaration also has no bearing, of course, on actions taken by the military authorities to protect public order and its security prior to this announcement, even if it can be demonstrated that the PLO is now willing to abandon its traditional, terrorist, modus operandi.

a. Allegations that the State of Israel violates the right of freedom of association by subjecting union leaders to surveillance, town arrest, administrative detention, and deportation, without due process. [104]

The petitioners allege that the State of Israel violates internationally recognized labor standards in the occupied territories by subjecting individuals active in trade unions to town arrest, administrative detention, and deportation. They also criticize the military administration for making arbitrary arrests, detaining prisoners without trial and presenting secret evidence at trials. The petitioners allege that this violates an ILO resolution that prohibits governments from 1) restricting the political liberties of the trade union leaders, and 2) denying due process to trade union leaders accused of crimes. In addition, the petitioners allege that the right to freedom of assembly, which is essential to freedom of association, is violated by the military authorities. Finally, the petitioners note that the ILO Freedom of Association Committee has ruled that preventive detention must be short term, and that forced exile must not be utilized in a manner that violates an individual's freedom of association.

Even were we to assume that all of these charges could be verified, it is certain that the actions are permitted under the law of belligerent military occupation, namely laws that enable the occupying power to restore order and protect its security:

"It is clear that what is termed 'preventive' or 'administrative' detention of protected persons is sanctioned by the Fourth Geneva Convention. The operative section condoning such action is found in the first paragraph of Article 78:

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104. The petitioners have attempted to document these charges. Much of this documentation is of questionable validity, e.g., "unpublished theses" or "unpublished papers," written by well-recognized political antagonists of the State of Israel, that are impossible to verify independently. The allegedly aggrieved parties have appealed to the Freedom of Association Committee in the past, attempting to rectify alleged violations of freedom of association by the military government. It is curious that they have not flooded the committee with complaints in response to the alleged violations of truly monumental proportions that are outlined in the petition. (It may be that the alleged violations took place during the intifada, so that charges before the Freedom of Association Committee are still pending. But an armed uprising, characterized by the throwing of Molotov cocktails, stonings, and murder of "collaborators," would surely qualify as a "public emergency," even by the petitioners' stringent definition.)

"'If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or internment.'

"...As Article 78 recognized, the principle characteristic of detention is that it is not effected through judicial proceedings. ...Section IV of the Convention -- Articles 79 to 135 -- is a comprehensive Code which governs, in detail, the treatment which must be accorded the detained persons.... It should be noted that under the terms of the Convention a detainee does not have the right to seek or retain legal counsel in reference to his detention [emphasis in the original].... There have been several instances of detainees being held 'incommunicado', to whom the I.C.R.C. [International Committee of the Red Cross] did not have access. This procedure is sanctioned by Art. 5 of the Fourth Geneva Convention, whereby saboteurs or persons suspected of activity hostile to the security of the Occupying Power may be detained at its discretion, deprived of the protection of the Convention, and 'be regarded as having forfeited the rights of communication under the present [Fourth Geneva] Convention'." [105]

It is arguable whether or not the deportation of individuals is a violation of the Fourth Geneva Convention. The military administration contends that the prohibition against deportation was drafted to prevent mass population transfers of the type organized by Nazi Germany during World War II, and that deportations by the Israeli military occupation authorities have nothing in common with those condemned in the Convention. The United State Department of State considers the deportations to be illegal under the Fourth Geneva Convention. In any event, the burden of proof is on the petitioners to prove that violations by the State of Israel of those sections of the Fourth Geneva Convention that have no relation per se to trade union practices are being utilized in order to deny Palestinian Arab workers their legitimate trade union rights. The deportation of an individual who happens to belong to a trade union does not in and of itself demonstrate that the military authorities are violating the right of freedom of association, even if the loss of a trade union leader inarguably will hinder the functioning of his or her union. To argue otherwise is equivalent to arguing that the United States violates freedom of association guarantees by, under the Landrum-Griffith Act, barring convicted criminals from participating in union functions for a period of 13 years. [106]

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105. Kuttner, op. cit., pp. 210-213.

106. Pub. L. No. 86-257 Title V, Sec. 504(a).

b. Allegations that the State of Israel has violated the right of freedom of association by entering union offices and taking union property, by cancelling union meetings and by closing union offices.

The petitioners allege that the State of Israel has violated internationally recognized labor standards in the occupied territories by entering union offices and taking membership lists, claims forms and union pamphlets. The petitioners also claim that some union meetings have been cancelled and that some union offices have been temporarily closed. These alleged actions are said to be in violation of ILO resolutions that deny a country the right to suspend unions by administrative authority; of ILO resolutions that demand the protection of union property; and of Freedom of Association Committee rulings that require that warrants be secured before authorities enter union property. The petitioners also claim that these actions violate Jordanian labor laws that require unions to make membership lists available to government authorities, but that also prohibit authorities from removing membership lists from union offices, as well as laws that require court hearings before "public order" closings of unions. It is also alleged that Jordanian labor law has no provisions for temporary closings of union offices.

The military administration clearly has a right to enter union offices in pursuit of suspected provocateurs and to seize evidence relating to violations of public order and safety under the Fourth Geneva Convention, Article 43 (which permits occupying powers to insure public order and safety). Protections available to individuals in peacetime simply are not recognized under military law. For example:

"...the Convention does not specify the trial procedures to be followed in detail, but only stipulates what general norms are to govern. As the second paragraph of Article 64 expressly permits the enactment of penal legislation necessary 'to ensure the security of the Occupying Power'...it is manifestly clear that local rules of evidence binding local courts are not applicable before a military tribunal." [107]

Article 64 of the Fourth Geneva Convention also enables the military administration to amend Jordanian labor law for its own protection [108], which would enable it to remove as evidence "membership lists" and other materials. Additionally, that same article permits the military authorities to amend the Jordanian labor law that requires court hearings before "public order" closures of union offices, and to enforce military orders permitting the temporary closing of union offices. The petitioners have confirmed through their protests, of course, that Jordanian labor law permits authorities to close union offices permanently in order to protect public order, even in peacetime.

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107. Kuttner, op. cit., p. 201.

108. "The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention." (Fourth Geneva Convention, The Geneva Conventions of August 12, 1949 ((Geneva, International Committee of the Red Cross, 1986)), Article 64, p. 177.)

The temporary closing of trade unions is thus plainly permitted under Article 43 of the Fourth Geneva Convention, which empowers the military occupier to restore public order and safety. This would still constitute a serious violation of freedom of association -- if in fact the closing was aimed at preventing union activity, rather than the restoration of public order. Once again, the burden of proof is on the petitioners to demonstrate that the military authorities have acted with the intention of restricting trade union rights, rather than in the interests of protecting the public order and its security.

c. Allegations that the State of Israel violates the right of freedom of association by interfering with union elections

The petitioners allege that the State of Israel violates internationally recognized labor standards by preventing unions in the occupied territories from soliciting new members and electing new officers who have not been approved by the military administration. They also accuse the military administration of amending Jordanian and Egyptian labor laws to prevent individuals in the occupied territories who have been convicted of security offenses resulting in jail terms of three or more years from running for official positions within trade unions. (Jordanian law and Egyptian law prohibit only those convicted of criminal -- not security -- offenses from running.) Finally, it is alleged that the military authorities violate Palestinian Arabs' freedom of association in the occupied territories by failing to register (and thus recognize) new trade unions.

The petitioners allege that these actions violate ILO conventions prohibiting prior approval of trade union leaders, and requiring a country to grant its workers the freedom to choose which trade union will represent them. The petitioners also note that the Freedom of Association Committee has ruled that only criminal convictions reflecting an individual's lack of integrity should prevent individuals from participating in unions, and draw attention to the fact that the Committee has advised the State of Israel to permit new elections for union office in the Gaza Strip.

The military authorities have in fact amended Jordanian and Egyptian labor laws to prevent individuals convicted of security offenses from running for union office, and the authorities do require unions to submit a list of candidates prior to an election. It would be difficult to find a more clear-cut example of the kind of contingency anticipated by the drafters of the Fourth Geneva Convention when they enabled the occupying power to amend local laws for the protection of its security. It is self-evident that an amendment to a law that requires special consideration for individuals convicted of security violations against the occupying power is within the meaning of the provisions of the Fourth Geneva Convention. The Fourth Geneva Convention also clearly grants military authorities the discretion to register organizations presumed to be genuine trade unions and to refuse to register those that have a likelihood of posing a threat to public order and its security. This was also the approach taken by the Allied Powers when they instituted a denazification program that prevented members of the Nazi party from assuming leadership positions in the newly restored free trade union movement in occupied Germany.

The drafters of the Fourth Geneva Convention recognized that the occupying military authorities alone are in a position to define threats to the public order and to the security of the occupying power. This is clear because the drafters explicitly permit the occupying power to amend local laws and to administratively detain individuals to insure "public order and safety."

There is a potential for abuse inherent in any military occupation, and the alleged inability of union members and trade unions to appeal military actions was a source of great complaint by the petitioners.

It was for this reason that the drafters of the Fourth Geneva Convention properly prescribed elaborate penal procedures for individuals living under belligerent military occupation. The salient provisions include:

Article 66: "In case of a breach of the penal provisions...the Occupying Power may hand over the accused to a properly constituted, non-political courts...." [full text below in footnote 109]

Article 71: "No sentence shall be pronounced by the competent courts of the Occupying Power except after a regular trial."

Article 73: "A convicted person shall have the right of appeal provided for by the laws applied by the court....[w]here the laws applied by the Court make no provision for appeals, the convicted person shall have the right to petition against the finding and sentence to the competent authority of the Occupying Power." [full text below in footnote 110]

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109. "In case of a breach of the penal provisions promulgated by it by virtue of the second paragraph of Article 64 [which permits the occupying power to promulgate new laws to maintain order and protect its security], the Occupying Power may hand over the accused to its properly constituted, non-political military courts, on condition that the said courts sit in the occupied country. Courts of appeal shall preferably sit in the occupied country." Ibid., Article 66, p. 178.

110. "A convicted person shall have the right of appeal provided for by the laws applied by the court. He shall be fully informed of his right to appeal or petition and of the time limit within which he may do so.

"The penal procedure provided in the present Section shall apply, as far as it is applicable, to appeals. Where the laws applied by the Court make no provision for appeals, the convicted person shall have the right to petition against the finding and sentence to the competent authority of the Occupying Power." Ibid., Article 73, p. 181.

Article 78: "Decisions regarding....internment shall be made according to a regular procedure to be prescribed by the Occupying Power...this procedure shall include the right of appeal for the parties concerned." [full text in footnote 111]

It is thus clear that the Fourth Geneva Convention fully provides for the right of appeal. In the present case, "[t]he Supreme Court of Justice of Israel sits as the High Court of Justice to hear petitions by inhabitants of the territories against the Military Government and pass under judicial review the use of governmental powers." [112]

Palestinian trade union members and institutions alike, in the event that they feel that their rights have been violated, enjoy the right of appeal. If Israeli soldiers appear to violate military orders (e.g., in the process of searching trade union offices), the action may be appealed to military commanders and military courts. The legality of the procedure itself may be appealed to the Supreme Court of the State of Israel.

If it is felt that the military authorities improperly amend Jordanian or Egyptian labor law in a manner that violates the Fourth Geneva Convention, this action, too, may be appealed to the Israeli Supreme Court.

If it is felt that the military authorities violate the right of a trade union member to due process under the Fourth Geneva Convention, this, too, may be appealed to the Israeli Supreme Court.

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111. "If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment.

"Decisions regarding such assigned residence or internment shall be made according to a regular procedure to be prescribed by the Occupying Power in accordance with the provisions of the present Convention. This procedure shall include the right of appeal for the parties concerned. Appeals shall be decided with the least possible delay. In the event of the decision being upheld, it shall be subject to periodical review, if possible every six months, by a competent body set up by the said Power.

"Protected persons made subject to assigned residence and thus required to leave their homes shall enjoy the full benefit of Article 39 of the present Convention." [Article 39 pertains to support by the military authorities for the families of detainees.] Ibid., Article 78, pp. 182-183.

112. Shamgar, op. cit., p. 56.

Even a military action that violates the rights of trade unionists and trade union institutions that are presumed to be inherent in the Hague Convention may be appealed to the Israeli Supreme Court. This right was established by the Supreme Court itself, when it ruled in Bahij Tamimi et al. v. Minister of Defense et al. [113] that the Hague Convention requires that freedom of association and trade union rights must be protected by the military authorities, subject to the right of the military to safeguard public order and protect its own security.

The petitioners have acknowledged the existence of these appeal procedures. In one instance, for example, they report that the Israeli Supreme Court overturned a ban on a trade union's May Day celebration. [114] In another instance, they discuss the Bahij Tamimi case ruling in which the Israeli Supreme Court interprets the Hague Convention to require the military authorities to respect freedom of association and trade union rights. [115] Even if the petitioners disagree with our interpretation of the rights that are guaranteed under the Fourth Geneva Convention, it must be acknowledged that any disagreements over these rights may be appealed -- and are appealed -- to the Israeli Supreme Court. The actions of the military occupation authorities are not unchecked, and parties that feel aggrieved are not without legal recourse.

It is thus clear that the State of Israel has acted in compliance with international law governing belligerent military occupations in its treatment of trade unions and trade union members in the occupied territories. [116]

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113. Bahij Tamimi et al., v. Minister of Defense et. al., High Court of Justice of Israel, No. 507/85, Ruling of Sept. 16, 1987.

114. "...the closure order was overturned by the High Court later that day...." Abdeen Jabara and Judith Brown Chomsky, Presentation on Behalf of the American-Arab Anti-Discrimination Committee['s] Request for Review of the Status of Israel (Washington, DC, Arab-American Anti-Discrimination Committee, September 19, 1988), p. 6.

115. "The government of Israel...did not dispute the Court's finding that it must observe trade union rights in the territory it holds in military occupation." Quigley, op. cit., p. 14.

116. With the possible exception of the deportations, which are regarded by the United States Department of State as a violation of the Fourth Gene Convention. But it must also be recalled that the United States Department of State regards the Hague Convention as being devoid of inherent tra union rights. If the USTR adopts instead the standard defined by the Israeli Supreme Court, the issue of the legality of the deportations per se is irrelevant, unless it can be proven that the "illegal" deportations were undertaken to deny trade union rights rather than to protect the security of the occupying power.

The only question that remains is whether it complies with the standard defined by the Israeli Supreme Court. It is our position that this standard must also be adopted by the USTR. That standard may be summarized as follows: Occupying powers must allow freedom of association and may not interfere with trade union rights, with the proviso that these rights may be reduced in the event that they jeopardize the security of the occupying power. This is a common sense and fair accommodation of two principles that are fundamentally at odds, the absolute right of an occupying power to restore public order and protect its security, and the customary right of freedom of association.

Under this standard, the USTR may conclude that the State of Israel violates internationally recognized worker rights in the occupied territories only if it is demonstrated that the actions taken by the military authorities were carried out to deny trade union rights rather than to restore public order and protect its security.

The reports of the ILO Director-General's delegations are useful in determining whether the Israeli military authorities utilize their legitimate police powers under the Geneva and Hague Conventions with the intention of violating trade union rights, rather than for the purpose of protecting their security. The 1979 delegation reported:

"All things considered, it appears to the mission that the problems encountered must be seen within the general context of the occupation of the Arab territories and of the resulting situation, which leads the military authorities to keep a close watch on trade union organisations and to stand in their way when they consider that trade union activities are going beyond the bounds of labour matters to touch on political affairs. The situation also leads certain unions to adopt positions which, in normal circumstances, would not be considered to lie within the competence of occupational organisations." [117]

The 1980 delegation reported:

"In the present situation, as one of the Arab representatives pointed out to the mission, it is sometimes difficult to draw the line between political matters and trade union ones." [118]

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117. ILO Report, op. cit., 1979, p. 51.

118. ILO Report, op. cit., 1980, p. 148.

The 1982 delegation reported:

"The information received or collected locally indicates that workers in the occupied territories would like to set up more trade union organisations, increase their membership and expand their activities. It is often difficult to distinguish the aspect of social struggle from that of political struggle in such activities. From talks with Palestinian trade unionists, it is clear that, in the exceptional circumstances in which they have been living for the past 15 years, trade union considerations and political considerations inevitably overlap. It should also be remarked that the inhabitants of the occupied territories, deprived as they are of the means of political organisation, probably try to replace the missing political institutions by trade union institutions. In these circumstances, the Israeli authorities seem to look with some mistrust on the development of the trade union movement in the occupied territories, considering it in many cases to have essentially political objectives. Thus the Israeli authorities, invoking, at least as far as the West Bank is concerned, the legislation in force prior to the occupation, which prohibits trade union organisations from engaging in political activities, exert minute control over the establishment of trade unions and the exercise of trade union activities." [119]

The 1987 delegation reported:

"It seems, from the more general information given by the Israeli military authorities in addition to the factual details, that in these operations the military were motivated by considerations of public order, security being the main consideration of the occupation authorities." [120]

It is clear from the reports of the ILO Director-General's delegations that the military authorities are concerned about "political" rather than traditional trade union activities. "Political" activities by trade unions are illegal under both Jordanian and Egyptian labor laws, and can clearly be banned under the provisions of both the Geneva and Hague Conventions. In the West Bank and the Gaza Strip, "political" activities usually mean support for the program of a terrorist organization, the PLO, rather than support for "position(s) on matters of economic and social policy." [121] [122] In any case, the military authorities are not bound under either Jordanian or Egyptian labor laws to register "political organizations" that attempt to pass as trade unions. If the military were to define "political" activities so broadly as to prevent legitimate trade union activity, the action would be overturned by the Israeli Supreme Court, as it did in the Bahij Tamimi case.

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119. ILO Report, op. cit., 1982, p. 118.

120. ILO Report, op. cit., 1987, pp. 32-33.

121. ILO, ILO Principles, Standards and Freedom of Association, (Geneva, 1978) p. 16. Quoted from Rosenbluth, Martin, op. cit., p. 21.

122. The Landrum-Griffith law, enacted in peacetime, outlawed the participation of any individual in a union "who is or who has been a member of the Communist Party," op. cit.

Two other ILO decisions have a bearing on the question of whether or not the military authorities are abusing their legitimate police powers to illegally deny the right of freedom of association: the recommendations of the Director-General's delegations and the recommendations of the Freedom of Association Committee.

The recommendations of the Director-General's delegations reports (as opposed to the fact-finding sections of their reports) have often urged greater flexibility on the part of the military authorities to permit wider trade union activity. This is not surprising: the delegations, in drawing their conclusions, are working from a fundamentally different premise than that of the U.S. State Department or the Israeli Supreme Court, i.e., that union members under military occupation are entitled to all of the rights outlined in relevant ILO resolutions.

This also holds true for the Freedom of Association Committee, as we have discussed at length above. But, even assuming that the Freedom of Association Committee is correct in basing its decisions on all of the freedoms guaranteed in ILO resolutions and conventions in cases arising under military occupation, the USTR must look at how the Freedom of Association Committee decides cases. As the Committee defined its mandate:

"With a view to avoiding the possibility of misunderstanding or misinterpretation the Committee considers it necessary to make it clear that its task is limited to examining the allegations submitted to it. Its function is not to formulate general conclusions concerning the trade union situation in particular countries on the basis of vague general statements, but simply to evaluate specific allegations." [123]

"Its function is to secure and promote the rights of association of workers and employers. It does not level charges at, or condemn, governments." [124]

It is clear that the Freedom of Association Committee does not consider its decision in a particular case to amount to a condemnation of a government, or that its decision reveals a pattern of habitual abuse of freedom of association guarantees. Further, the Committee has ruled against the State of Israel in only one out of five cases that have been filed by allegedly aggrieved workers in the occupied territories. In the other four cases, the Committee rejected the charges. [125] So, even if

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123. ILO, Freedom of Association, Digest of Decisions of the Freedom of Association Committee of the Governor's Body of the ILO (Geneva, 1985), p. 9. (Hereinafter, Digest)

124. Ibid., p. 8.

125. FOAC, May 1975, case 791; also FOAC 147th Report, case 772, November, 1974; FOAC case 567, 1971, op. cit.; FOAC case 1390, 1987, op. cit.; FOAC case 1414, 1988, op. cit.

one accepts the premise of the Freedom of Association Committee in its application of ILO resolutions and conventions, one would have to acknowledge that "losing" only one out of a total of only five cases does not constitute a consistent pattern of violating trade union rights -- particularly in light of the Freedom of Association's disclaimer to that effect. Finally, the military authorities may be forgiven if they err on the side of caution in accommodating the clash between the law of belligerent military occupation -- which grants an occupying power the absolute right to protect its security -- and the customary right of freedom of association as interpreted by the Freedom of Association Committee.

4. Conclusions Concerning Alleged Violations of the Right of Freedom of Association and the Right to Organize and Bargain Collectively by the State of Israel in the Occupied Territories

The fact-finding sections of the reports of the Director-General's delegations demonstrate that the State of Israel is not violating internationally recognized worker rights under a belligerent military occupation. There is no evidence to substantiate the petitioners' allegations that the military authorities are abusing their legitimate police powers in order to deny Palestinian Arab workers trade union rights. The evidence is to the contrary.

As we have noted earlier, the burden of proof is on the petitioners. The ILO's Freedom of Association Committee has noted that countries accused of violating trade union rights are the defendants in cases before it. [126] The State of Israel stands accused of violating the principles of freedom of association. The petitioners have not by any stretch of the imagination proven that the Israeli military authorities on the West Bank or the Gaza Strip have abused their legitimate powers in order to prevent Palestinian Arab trade unionists from exercising their right to freedom of association, either individually or institutionally.

The submission to the USTR from al-Haq typifies the approach of the petitioners. After describing cases of alleged administrative detention, the author concludes:

"Al-Haq must assume, in the absence of concrete charges and evidence to the contrary, that trade unionists have been detained because of their activities as trade unionists." [127]

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126. Digest, op. cit., p. 13.

127. Rosenbluth, op. cit., p. 8.

After describing cases of alleged town arrest, the author concludes:

"Al-Haq must assume, in the absence of concrete charges and evidence to the contrary, that trade unionists have been placed under town arrest because of their activities as trade unionists." [128]

After describing cases of alleged deportations, the author concludes:

"Al-Haq must assume, in the absence of concrete charges and evidence to the contrary, that trade unionists are deported because of their activities as trade unionists." [129]

In the absence of concrete charges and evidence to the contrary, the USTR must assume that the petitioners cannot support their allegation that the State of Israel has acted to deny Palestinian Arab trade unionists freedom of association and the right to organize and bargain collectively.

E. PROHIBITION ON THE USE OF ANY FORM OF FORCED OR COMPULSORY LABOR

The petitioners to the USTR do not allege that Palestinian Arabs living in the West Bank and the Gaza Strip are subject to forced or compulsory labor. [130]

F. MINIMUM AGE FOR THE EMPLOYMENT OF CHILDREN AND ACCEPTABLE CONDITIONS OF WORK WITH RESPECT TO MINIMUM WAGES, HOURS OF WORK AND OCCUPATIONAL SAFETY AND HEALTH

The petitioners to the USTR do not allege that the State of Israel permits child labor in the occupied territories. [131]

The petitioners also do not allege that the State of Israel denies minimum wages, hours of work, and occupational safety and health to Palestinian Arab workers who toil in the occupied territories. [132], [133]

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128. Ibid., p. 9.

129. Ibid., p. 11.

130. The State Department reports that "[T]here is no forced labor" [in the occupied territories.] Country Reports on Human Rights Practices, op. cit., 1988, p. 1182.

131. "Child labor is not permitted." Ibid., p. 1199.

132. Except for one curious charge: that "the Israeli budget for the Occupied Territories allots an average wage for Palestinian civil administration workers at approximately two-fifths the rate allocated for Israeli civil administration workers." The implication, of course, is that the wages actually paid to Palestinian civil administration workers are two-fifths those paid to Israeli citizens performing exactly the same work, although that charge is not explicitly made.
(Continued on next page.)

(Footnote 132 continued.)

There are any number of possible explanations:

1) Palestinian Arab civil administration workers received money from both the State of Israel and Jordan. From June 1967 until the summer of 1988, Jordan continued to pay salaries to many Palestinian Arab civil administrators in the West Bank, and many civil administrators received salaries from both the State of Israel and Jordan. (Payments were cut off July 31, 1988, subsequent to the petitioners submission to the USTR, so the charge clearly relates to budgets prepared in previous years.) The State of Israel may have agreed to supplement the salaries of Palestinian Arab civil servants receiving depressed wages from Jordan.

2) Just what budget is referred to is unclear: the petitioners do not explicitly charge the State of Israel with paying substandard wages. Close observers of the United States Office of Management and Budget would understand the dangers of drawing broad conclusions from the petitioners' statement.

All of the charges are quite circumstantial at best, and in no way demonstrate that the State of Israel discriminates against Palestinian Arab workers.

133. In defining internationally recognized worker rights with respect to conditions of work, it should be noted that neither the Geneva Convention nor the Hague Convention require an occupying power to improve minimum wages, hours and occupational safety and health standards for residents of the occupied territories. The Conventions only prohibit forced labor and require the occupying power to administer local labor laws. At most, the law of belligerent military occupation grants the occupying power the legal authority to modify local laws if it can be proven that this modification is to the benefit of the population. The occupying power is not required to enact such legislation. (Kuttner, op. cit., p. 191.) The State of Israel would not be required, for example, to institute improvements in Jordanian labor law adopted by Jordan subsequent to the 1967 Six Day War.

The petitioner seems to hint that the State of Israel violates ILO standards by allegedly providing limited social security protection for Palestinian Arabs who work in the occupied territories. As noted above, the International Labor Organization has ruled that the State of Israel need not apply to the occupied territories ILO conventions relating to any aspe of working life -- with the sole exception of conventions which guarantee freedom of association. The rationale for this decision, which was promot by Arab states affiliated with the ILO, is that a nation is only required to apply ILO conventions within its sovereign territory. International labor standards governing the conditions of work under a belligerent mili occupation are thus clearly not nearly so strict as (Continued on next page.)

(Footnote 133 continued.)

those governing a nation at peace. Further, even if the ILO had declared that the State of Israel must apply that organization's conventions to the occupied territories, that would not mean that conditions in the occupied territories would have to duplicate exactly conditions within the State of Israel. Article 35 of the ILO Constitution states that countries are not required to apply ILO conventions to "non-metropolitan" areas that they control if the conventions are "inapplicable owing to the local conditions." This implies, as the ILO Legal Advisor noted during the 1947 debate over the Freedom of Association convention, that "members enjoy a certain liberty in deciding when and under what conditions they could apply an international labor Convention in non-metropolitan areas under their authority." (International Labor Conference, Record of Proceedings, 1948, p. 479.) Areas under military occupation are not defined as "non-metropolitan areas," but the principle of selective applicability in light of radically different conditions is recognized. Economic and social conditions in the occupied territories are clearly different that those in the relatively advanced economy of the State of Israel.

Nevertheless, the military occupation authorities have not been content to permit in the occupied territories the kinds of substandard working conditions that characterize working conditions in many countries currently receiving GSP benefits, despite the fact that both the ILO and the Geneva and Hague Conventions implicitly permit the State of Israel to adhere to what are in fact very minimal labor standards. Many improvements in conditions of work have been instituted by the military authorities in the occupied territories; they are outlined in testimony submitted to the United States Trade Representative by official representatives of the State of Israel.

PART III. SUMMARY AND CONCLUSION

The United States Trade Representative must determine if the State of Israel adheres to internationally recognized labor standards, both within the State of Israel and the occupied territories. We believe that within the State of Israel, the appropriate standards are defined by those conventions of the International Labor Organization that have been adopted by a reasonable number of countries. We believe that the State of Israel's occupation of the West Bank and the Gaza Strip constitutes one of the few textbook cases of belligerent military occupation in 40 years, and that in evaluating the question at hand, the United States Trade Representative must determine an appropriate standard for internationally recognized labor rights under a belligerent military occupation. We believe that this standard has been properly defined by the Israeli Supreme Court when it ruled that trade unionists must be permitted to exercise trade union rights, provided that the exercise of these rights does not infringe upon the basic mandate of the military authorities to maintain public order and protect its security.

As we have amply documented, the State of Israel is fully in compliance with these standards. Many of the complaints of the petitioner stem from criticisms of the law of belligerent military occupation. It is true that it is not pleasant to live under a military occupation. It is also true that the military occupation in question resulted from a defensive war against enemies whose purpose was the total destruction of the State of Israel, and that the occupation continues because no Arab state with the sole exception of Egypt has been willing to negotiate a peace agreement with the State of Israel. All of this is, of course, beyond the scope of and irrelevant to the investigation of the United States Trade Representative. But so are questions relating to the appropriateness of suspension of due process and other rights under the law of belligerent military occupation.

It is important to note that the Israeli Supreme Court has interpreted the Hague Convention in a remarkably liberal fashion, and that this Court has demonstrated its willingness to intervene, even during the state of belligerent military occupation, to guarantee Palestinian Arab workers the right of freedom of association. It is also important to note that the petitioners did not demonstrate that the military authorities exercise their powers in a manner calculated to curtail legitimate trade union rights rather than to maintain public order and protect its security.

The State of Israel is an open society. It has allowed many human rights organizations to investigate its behavior in the occupied territories, as the number of hostile petitioners demonstrates. It has permitted the International Labor Organization to investigate the very question now at iss in the United States Trade Representative's investigation every year for the last decade. Despite the massive amount of information collected by the ILO Director-General's annual fact-finding delegations, the ILO supervisory machinery has only once in 21 years implicitly accused the State of Israel of violating any ILO conventions with respect to Palestinian Arab workers.

The United States Trade Representative has recently completed a general review of international labor standards in all countries that benefit from the Generalized System of Preferences program. This review included the State of Israel. The Trade Representative found that the State of Israel is in compliance with these standards. It is understood that the United States Trade Representative interprets the GSP law to require a low threshold for the acceptance of complaints, and the State of Israel has been duly accepted for review because of this low threshold. It is also understood that no country within the GSP program acts perfectly with respect to trade union rights, including the State of Israel. But it is clear that the State of Israel does not even remotely qualify as a country that massively and systematically violates trade union rights, the kind of country that was the target of the worker rights provision of the Trade and Tariff Act of 1984. The United State Trade Representative must reject the petition to suspend the State of Israel from the Generalized System of Preference program.

opeiu:153

Executive Summary
of
Testimony of the Jewish Labor Committee and the NJCRAC
before the United States Trade Representative

The current effort by American Arab groups to petition the United States Trade Representative (USTR) to drop the State of Israel from the Generalized System of Preferences program must be clearly recognized as another effort to undermine political support for the State of Israel. The petition brought before the USTR should be rejected, because the State of Israel manifestly respects all internationally recognized worker rights.

The standard for evaluating internationally recognized worker rights within the State of Israel is the body of conventions of the International Labor Organization (ILO) that have been approved by a reasonable number of countries. It is absolutely clear that the State of Israel complies with these ILO conventions with respect to both Israeli citizens and Palestinian Arab workers.

The Director-General of the ILO has sent fact-finding delegations to investigate Israeli treatment of Palestinian Arab workers from the occupied territories every year since 1978. These fact-finding missions have confirmed the following: Palestinian Arab workers enjoy complete freedom to form their own unions within the State of Israel, and in fact such unions do exist. In workplaces organized by the Histadrut -- Israel's General Federation of Labor -- Palestinian Arab workers pay an agency shop fee (comparable to agency shop fees in the United States) that is equivalent to one-fifth of the normal Histadrut dues. In return, Palestinian Arabs who work within the State of Israel receive the benefit of all wages and conditions of work negotiated by the Histadrut. They are represented by the Histadrut in labor courts and other forums. Additionally, the Histadrut assigns an individual at each local labor council within the State of Israel to assist Palestinian Arab workers in each geographic area in the country in which Palestinians Arabs work. Palestinian Arabs are entitled to serve, and in fact, do serve on works committees in local enterprises. Indeed, the Histadrut insists upon participation by Palestinian Arab workers on the works committee of any plant within the State of Israel in which the workforce is composed of more than 20 percent Palestinian Arab workers.

Conditions of employment for Palestinian Arab workers within the State of Israel are exactly the same as conditions for Israeli citizens, with the only exception of certain social security benefits that contain residency requirements and that are thus available only to citizens. Palestinians who work in the State of Israel receive pensions through the Histadrut.

The United States Department of State has confirmed that the State of Israel has approved and enforces stringent child labor and safety and health laws.

Finally, it should be noted that the State of Israel has ratified over 40 different ILO conventions covering a wide variety of trade union rights, including all of the international workers rights that are identified in the law authorizing the Generalized System of Preferences program. Neither the ILO Committee of Experts on the Application of Conventions and Recommendations nor the ILO Freedom of Association Committee has ever cited the State of Israel for violating any of these conventions with respect to Palestinian Arab workers. The evidence accumulated by the ILO Director-General's fact-finding missions, combined with the fact that the

principal enforcement machinery for the ILO has found the State of Israel in compliance with its conventions, clearly demonstrates that the State of Israel protects the internationally recognized worker rights of Palestinian Arab workers within the State of Israel.

Some restrictions are placed on trade unions operating on the West Bank and Gaza Strip (the territories occupied by the State of Israel as a result of the 1967 Six Day War), just as the United States and the other Allied Powers placed restrictions on trade unions in occupied Germany following World War II. Local unions on the West Bank have been found to harbor terrorists (the president of a plumbers union, for example, was killed while assembling a bomb in the union's headquarters), and other terrorist or quasi-military organizations have proclaimed themselves to be "unions" merely as a flag of convenience. As a result, not all self-proclaimed unions are permitted to operate in the West Bank and the Gaza Strip.

These two territories have been under a textbook military occupation since June, 1967, resulting from a defensive war and pending a peaceful resolution of the conflict through negotiations between the State of Israel and its neighbors. The U.S. State Department has argued that workers under a belligerent military occupation have virtually no rights. But the Israeli Supreme Court was correct in ruling that Israeli military authorities must respect trade union rights in the West Bank and Gaza Strip, provided that this does not interfere with the military occupation authorities' obligation to preserve public order and protect its security. The Court arrived at a remarkable accommodation of the absolute right of an occupying military power to protect its security and the worker's right of freedom of association.

Most complaints against the State of Israel by American Arab organizations relate to the unfortunate but necessary and internationally accepted curtailment of civil liberties inherent in the administration of any belligerent military occupation. The burden of proof, of course, is on American Arab organizations to demonstrate that lawful police actions taken by the military authorities against Palestinian Arab workers or their trade unions are designed to deny these workers freedom of association, rather than to preserve public order under a military occupation. There is not one shred of evidence to support this claim. Indeed, the evidence offered by the ten annual ILO fact-finding missions shows quite the opposite.

It should be noted that the Israeli Supreme Court has demonstrated its willingness to curb the military authorities if they do in fact deny Palestinian Arab workers legitimate trade union rights. It should also be noted that the ILO has confirmed that 38 unions are currently recognized in the West Bank and the Gaza Strip, and that 15 new unions have been registered since 1967.

The State of Israel has long been hailed by labor movements around the world as a model industrial democracy. It is now time to recognize and reject the complaint by American Arab groups before the United States Trade Representative for what it is: a politically motivated attack without foundation.

opeiu:153

GERRY E. STUDDS
10TH DISTRICT, MASSACHUSETTS

WASHINGTON OFFICE:
237 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
202-225-3111

COMMITTEES:
FOREIGN AFFAIRS
MERCHANT MARINE AND FISHERIES

CHAIRMAN:
SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION AND THE ENVIRONMENT

Congress of the United States
House of Representatives
Washington, DC 20515

DISTRICT OFFICES:

GREATER NEW BEDFORD
POST OFFICE BUILDING
NEW BEDFORD, MA 02740
508-999-1251

SOUTH SHORE
BARSTOW'S LANDING, SUITE 6
TWO COLUMBIA ROAD (ROUTE 53)
PEMBROKE, MA 02359
817-826-3666

CAPE AND ISLANDS
146 MAIN STREET
HYANNIS, MA 02601
506-771-0666

February 21, 1989

Dear Mr. Osborne:

Just a brief note to thank you for your recent letter regarding Federal Aviation Administration (FAA) regulations giving U.S. airlines authority to have their aircraft repaired in foreign countries.

I share your concerns about this issue, and, in fact, have cosponsored H.R. 145, legislation which would repeal the regulations. There is no question that some changes to the existing rules on foreign repair stations are needed, but there are potential safety problems if routine maintenance on U.S. aircraft is permitted abroad on a wholesale basis. The FAA's air carrier safety inspection workforce continues to be understaffed and the additional workload would make matters even worse.

H.R. 145 -- introduced by Congressman Norman Mineta -- now has 111 cosponsors and has been referred to the Subcommittee on Aviation. I intend to closely monitor its progress through the legislative process.

I appreciate your taking the time to share your thoughts with me. Please do not hesitate to contact me again about this or any other matter of concern.

With kind regards.

Sincerely,

Gerry E. Studds

Mr. Arthur Osborne, President
Massachusetts/AFL-CIO
8 Beacon Street
Boston, MA 02108

EDWARD M. KENNEDY
MASSACHUSETTS

C

United States Senate

WASHINGTON, DC 20510

March 1, 1989

Mr. Arthur Osborn
President
Massachusetts AFL-CIO
8 Beacon Street
Boston, MA 02108

Dear Arthur:

Thank you for contacting me with your concerns regarding FAR 145. I share your concerns about the further loss overseas of jobs currently performed here, particularly when the safety of the flying public may be involved.

I hope that the F.A.A. sees the dangers and potential adverse employment impact of its proposed policy shift, and reconsiders its position. If not, then I will certainly support H.R. 145 when it is considered by the Senate.

Sincerely,

Edward M. Kennedy

C

Minutes

Substance Abuse Committee Meeting

February 28, 1989

Present:
Chuck Monahan, Local 103 - IBEW
Kevin P. Foley, Local 103 - IBEW
Douglas Gattup, Local 42, IBEW
Barry N. Doherty, NALC, Branch 25, N.E. mergered
Edward Carle, Local 2222 - IBEW
William R. Forsythe, Local 1445 - UFCW
Richard SLein, Consultant, Mass. AFL-CIO
Peter A. Moriarty, Local 2322 - IBEW
John Laughlin, Mass. AFL-CIO
Paul Ruprecht - UAW, Local 470
John F. Sullivan - United Way Community Services Rep. - Worcester
Charles M. Alafberg, USWA - Local 2285
Don Leahy - Local 1505 - IBEW
Don Sullivan - Local 6 - OPEIU
Bob Duggan, Local 100 - APWU
Jack Sullivan, Local 1989 - TCU

Meeting called to order at 10:10 A.M.

MMS to approve committee meeting minutes of January 24, 1989. Passed.

MMS to approve the sub-committee meeting minutes of February 15, 1989

Richard Slein reported on the progress of the 800 telephone number and on the development of literature for both.

John Laughlin reported on the Grant money and status prospected future; contract language for contract negotiations.

Report from Jack Sullivan regarding sub-committee on Drug Testing Legislation.

Next sub committee meeting scheduled for March 14, 1989 at 10:00 A.M.

Motion made and duly seconded to adjourn. So voted. (11:49 A.M.)

Respectfully submitted,

CHUCK MONAHAN
CHAIR

copy to Nancy

OFFICERS

ROBERT G. GIBSON
President

RICHARD J. WALSH
Secretary-Treasurer

STANLEY L. JOHNSON
President Emeritus

HARL H. RAY
Secretary-Treasurer Emeritus

ILLINOIS STATE
FEDERATION OF LABOR
AND
CONGRESS of INDUSTRIAL
ORGANIZATIONS
STATE BRANCH
AFL-CIO

100 E. WASHINGTON, 2nd FLOOR
SPRINGFIELD, ILLINOIS 62701
Telephone (217) 544-4014

VICE PRESIDENTS

Wesley Isaacson ..... UBCJ
Eugene P. Moats ..... SEIU
Buddy W. Davis ..... USWA
Noble B. Cain ..... IUBAC
Louis Montenegro ..... ILGWU
Jacqueline B. Vaughn ..... AFT
Bernard S. Puchalski ..... IAIW
Stephen M. Culen ..... AFSCME
Glenn Walters ..... IAFF
Harry E. Conlon ..... GCIU
Michael Calendo ..... IAMAW
James McCarthy ..... UAPP
Bernard Sniegowski ..... IBPAT
Joseph Mazza ..... LIUNA
W. G. Stewart ..... UAW
Robert Dahlke ..... IBEW
Robert Moore ..... IUOE
Ronald Powell ..... UFCW
Elwood Flowers ..... ATU
Maxie Hill ..... BCTWU
Thomas Hanley ..... HERE
Anthony Laudani ..... CWA
Michael Wood ..... BOILERMAKERS
Tony Judge ..... IBT

February 21, 1989

Mr. Arthur Osborn, President
Massachusetts AFL-CIO
8 Beacon Street
3rd flr.
Boston, MA 02108

Dear President Osborn:

Thank you for hooking us up with Nancy Mills of SEIU 285. She came to Chicago for a February 17th workshop on an Illinois Hospital Association plan to require employers to provide health insurance for their employees. Nancy did a great job helping us develop our legislative strategy on the issue.

Please let us know if there is anything we can do to help you in the future.

In Solidarity,

Richard J. Walsh

Richard J. Walsh
Secretary/Treasurer

RJW:pjg

CC: Nancy Mills

John C

C
C+I
Tok.
AFL-CIO

The Commonwealth of Massachusetts
HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133

AUGUSTO F. GRACE
REPRESENTATIVE
23RD MIDDLESEX DISTRICT
BEDFORD, BURLINGTON AND
PRECINCT 3 OF WILMINGTON
ROOM 443, STATE HOUSE
TEL. 722-2460

Committees on
Judiciary
Transportation

Special Commission on
Affordable Housing (Chairman)

Special Commission on
Tax Reform

February 22, 1989

Arthur Osborne
President
Massachusetts AFL-CIO
8 Beacon Street
Boston, Massachusetts 02108

Dear Mr. ~~Osborne~~ Arthur:

During our discussions pertaining to the Black Legislative Caucus endorsement of Prevailing Wage, we agreed to continue "to meet periodically in an established committee with the Black Legislative Caucus to promote continued access and recruitment of minorities and women for pre-apprenticeship and apprenticeship programs." We also agreed to have the community-labor advisory board "work jointly to secure placement into the apprenticeship programs and eventual jobs." I believe now that the euphoria of the Question 2 victory has subsided, it becomes important that we continue the follow-up to our meaningful discussions.

I would propose that we hold an organizational meeting in mid to late March. The Building Trades and the Caucus would each select ten individuals to attend the initial meeting. At this organizational meeting, we would discuss how we would conduct business and what our future agenda should be. I am hopeful that we will be able to sustain the momentum we created last fall.

I will contact your office to establish a mutually agreed upon date.

Sincerely,

Augie Grace

Augusto F. Grace
State Representative

AFG/bgs

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

LANE KIRKLAND
PRESIDENT

THOMAS R. DONAHUE
SECRETARY-TREASURER

REGION NO. 8, FRANK MYERS, DIRECTOR
SUITE 500, 6 BEACON STREET
BOSTON, MASSACHUSETTS 02108
(617) 227-1275

February 23, 1989

Mr. Kevin Kistler, Asst. Director
Department of Organization and Field
Services, AFL-CIO
815 Sixteenth Street, N.W
Washington, D.C. 20006

Dear Kevin:

I recently was told by Arthur Osborn and Bob Haynes that one of the largest unaffiliated locals in the state is Graphic Communications International Union 48-B, in Holyoke, Massachusetts. Neither is it affiliated with the Pioneer Valley Labor Council.

Over the last year or so, several unsuccessful attempts were made to have them affiliate with both organizations.

I promised Arthur and Bob that I would talk to you about it, to see if something could be worked out through the national union.

Please call me about this when you get back from the Executive Council Meeting.

Fraternally,

Frank Myers
Director
AFL-CIO Region VIII

FM:dah
opeiu-2
afl-cio

cc: Arthur Osborn
Bob Haynes

NABET 15

NATIONAL ASSOCIATION OF BROADCAST EMPLOYEES & TECHNICIANS

NEW YORK - WASHINGTON, D.C./BALTIMORE - GEORGIA - MASSACHUSETTS - FLORIDA

March 6, 1989

Mr. Arthur Osborn, President
Massachusetts AFL-CIO
8 Beacon Street
Boston, MA 02108

Dear Brother Osborn,

On behalf of the Executive Board and Members of NABET Local 15, I request your support in our effort to reform the Massachusetts Film Office. This state agency, which is responsible for promoting and facilitating filmmaking activity in Massachusetts, has perverted its mandate and gotten involved in jurisdictional issues between NABET 15 and I.A.T.S.E. Local 481.

In particular, Mary Lou Crane, director of the Massachusetts Film Office, acted as the primary spokesperson for Local 481 when she was quoted in a front page article in Daily Variety, the major film industry trade publication. Ms. Crane explained to Daily Variety , February 24, 1989, how Local 481 would function, how it would negotiate contracts and praised its establishment. Moreover, officials of the Massachusetts Film Office have encouraged current members of NABET 15 to join IATSE Local 481.

In effect, the Massachusetts Film Office is doing public relations work for a union, IATSE Local 481, which is barely two months old. NABET 15, which has been organized in New England for over five years and is a per-capita paying member of the Massachusetts AFL-CIO, has received no such support from Ms. Crane or her office.

The result of Ms. Crane's inappropriate support for one union over another can only be a de-stabilization of the labor market, making the state less attractive to out-of-state film producers. By promoting jurisdictional conflict, her actions will undermine the Film Office's prime objective- to generate filmmaking in Massachusetts. That a state agency must remain nuetral in issues between unions is basic to trade unionism and standards of fairness.

Continued...

The unconscionable actions of Ms. Crane and her office demands a house cleaning within the Massachusetts Film Office. Please join us in our effort to establish fairness in this important state agency.

Fraternally,

Martin Bernstein
President, NABET Local 15

MB/nq

cc: Paul Eustaces,
Secretary of Labor

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

LANE KIRKLAND
PRESIDENT

THOMAS R. DONAHUE
SECRETARY-TREASURER

REGION NO. 8, FRANK MYERS, DIRECTOR
SUITE 500, 6 BEACON STREET
BOSTON, MASSACHUSETTS 02108
(617) 227-1275

C

MEMORANDUM

February 22, 1989

To: Northeast AFL-CIO Council Members

From: Frank Myers, New England Regional Director, AFL-CIO

Re: Northeast AFL-CIO Council Meeting April 26 - 28, 1989

The next meeting of the Northeast AFL-CIO Council will be hosted by Massachusetts AFL-CIO President Arthur Osborn and Secretary-Treasurer Bob Haynes, at The Lenox Hotel, 710 Boylston Street, Boston, Massachusetts, from Wednesday, April 26 to Friday, April 28, 1989.

Meeting will start with a reception and dinner on Wednesday, April 26th, at 5:00 p.m. This is a little earlier than usual, because Arthur has a limited number of very good tickets for the Red Sox-White Sox game at 7:30 p.m. that evening, at Friendly Fenway. If you are interested in going, please contact Arthur's office as soon as possible - 617-227-8260.

Thursday, April 27th, will be an all-day meeting, and any unfinished business can be taken care of Friday, the 28th.

The Lenox is holding a block of rooms for our group until March 26th. Please call the hotel by that date to make your reservation. Toll-free number is 1-800-225-7676. A deposit for the first night is required, and can be charged to your credit card. Special rate is $105 per night single occupancy, and $125 double occupancy, plus state and city taxes.

Arthur and I will be working on agenda for this meeting shortly. If there is anything you'd like included, please let me know as soon as possible.

Hope to see you all in the great Bay State this spring.

opeiu-2
afl-cio

COPE

AFL-CIO

Committee on Political Education

LANE KIRKLAND, Chairman THOMAS R. DONAHUE, Secretary-Treasurer JOHN PERKINS, Director

815 16TH STREET, N. W. ★ WASHINGTON, D.C. 20006 ★ (202) 637-5101

February 14, 1989

Mr. Kenneth J. Mangan
Massachusetts Retiree Consultant
48 Grafton Street
Shrewbury, MA 01545

Dear Ken:

I hope by now that you have been told that the Retiree Program in your state has been renewed for 1989. If for any reason you have not received the good news, please get in touch with your state fed president to sign your new contract for 1989. I will like to advise you that the Retiree Program has been changed somewhat; one of the most important requirements is to complete the attached form monthly. I will stress completed monthly.

We will be in touch with you to outline an Educational Program that will bring several senior consultants together to learn new techniques and to create or activate senior clubs in your state.

Again, congratulations! I look forward to meeting with you soon.

Fraternally,

Steve Protulis

Steve Protulis
National Coordinator

cc: R. Haynes

opeiu #2
afl-cio

cc: ✓Arthur Osborn
Madeline Matchko
Enclosures

EDIC/Boston
Economic Development and Industrial Corporation of Boston
38 Chauncy St./9th Floor/Boston, MA 02111/617 725-3342

Marilyn Swartz Lloyd
Director

February 22, 1989

Mr. Arthur Osborn, President
Massachusetts/AFL-CIO
8 Beacon Street
Boston, MA 02108

Dear Arthur:

Congratulations! After many months of hard work we now have a tool to help protect manufacturing jobs in Boston by preserving space for industries. Mayor Raymond L. Flynn has signed the Light Manufacturing Zone (LMZ) officially making it a part of Boston's Zoning Code.

I'd like to thank you for all your help and support as we sought approval of LMZ from the Zoning Commission, as well as the Boston Redevelopment Authority Board. Passage of LMZ is a victory for manufacturing and for all the working men and women of Boston.

EDIC has begun work in the community to map LMZ where it will protect public investment, as well as jobs, while also building better relationships between industry and the neighborhoods. I hope you will continue to be a part of this important process.

Sincerely,

Marilyn Swartz Lloyd
Director

/TCA/dcj

LMZBZCTHX/MKT022289

New England DISTRICT 1199 AFL-CIO Health Care Employees Union

130 HUYSHOPE AVE., HARTFORD, CT. 06106 (203) 549-1199
1570 WESTMINSTER STREET, PROVIDENCE, R.I. 02909 (401) 273-8140
1453 DORCHESTER AVENUE, DORCHESTER, MA. 02122 (617) 436-9911

1126

February 21, 1989

Dear Sisters and Brothers,

Well, thanks to the support you all showed our LPNs at Resthaven Nursing Home, we are pleased to announce a victory.

Instead of preparing for more direct action and a strike at the Mission Hill nursing home, we are preparing for negotiations. Mr. Norman Huggins signed an agreement with us late last week committing himself to negotiations with us to commence sometime in the next two weeks, recognition immediately, and a response to our initial proposals no later than May 15th.

Our 16 month battle to force him to the negotiating table is over. Our struggle now will be for a decent contract.

Again, huge thanks for your support. It resulted in a win. We look forward to joining with you in other struggles in the future.

Sincerely,

Ashley

Ashley Adams
Area Director, District 1199 Massachusetts

FRONTLASH

C

MEMO

TO: Arthur

FROM: Steve Sullivan SRS

RE: Frontlash Education Conference April 8,1989

DATE: February 15,1988

I have you scheduled to appear at the 1989 Frontlash Education Conference on April 8th at the Sheetmetal Local #17 Training Center. The Center is located at 1181 Adams St. (rear) in Dorchester,Massachusetts. The Conference will begin at 9:00 A.M. and adjurn at 3:00 P.M.

THANK YOU!

MASSACHUSETTS FRONTLASH
8 BEACON STREET, 3rd FLOOR
BOSTON, MA 02108
(617) 227-8260

FRONTLASH EDUCATION CONFERENCE 1989

Saturday April 8,1989
9:00 A.M. - 3:00 P.M.
Sheetmetal Local #17 Training Center
1181 Adams St. (rear) Dorchester,Ma 02124
(617) 298-0850

KEYNOTE ADDRESS: Arthur R. Osborn,President Massachusets AFL-CIO

Steven R. Sullivan,Director Massachusetss AFL-CIO Frontlash Program

FRONTLASH CHAPTERS ON COLLEGE CAMPUSES:
Robert J.Haynes, Secretary Treasurer Massachusetts AFL-CIO

- Working with Labor Representatives on Board of Trustees

* Cheryl Graeve (National Frontlash Field Director)
  - Organizing college chapters

COPE-VOLUNTEERS IN ACTION:

* Madeline Matchko,Region VIII AFL-CIO COPE Director
* Rich Rogers,Massachusetts AFL-CIO Staff Representative

HOW A BILL BECOMES A LAW:

* Marty Foley,Legislative Director Massachusetts AFL-CIO
- Lobbying on Beacon Hill

COMMUNITY ACTION:

* Joseph Joyce,Executive Secretary Treasurer Boston Central Labor Council
* City Year Representatives

STRUCTURE OF LABOR MOVEMENT:

* Frank Myers,New England Region VIII Director AFL-CIO

ROLE OF THE MEDIA IN UNION ACTIVITIES:

* John Laughlin,Assistant to the President Massachusetts AFL-CIO

**** Lunch will be catered for participants

MASSACHUSETTS FRONTLASH
8 BEACON STREET, 3rd FLOOR
BOSTON, MA 02108
(617) 227-8260

HOW YOU CAN HELP BUILD THE BOYCOTT

- Lobby your legislators. States, cities, townships, etc. are among the biggest purchasers of paper products. Therefore, they could exert influence on IP to clean up its act and return the 2,300 workers to their jobs.
- Contact friendly elected officials. Find out how to introduce a resolution calling on your city and/or state government to boycott IP.
- Check with the purchasing agent in your workplace to be sure that no IP/Hammermill products are bought for the office computers and copying machines.
- Pick a local company that distributes a product in IP containers or packaging (for example, juice or milk cartons). Inform the company about the dispute. Ask them to switch to a different container or packaging company.
- Pick a supermarket or local grocery. Inspect the milk and juice containers for the IP label. Ask the store to order only those brands that are in non-IP packaging.
- Target a company for boycott handbilling based on its unwillingness to stop using IP packaging. Or target a store for refusing to switch from product brands that are packaged in IP containers.

Join the boycott and help expand it in your area. For more information and/or leaflets, please write to UPIU Corporate Campaign, PO Box 1475, Nashville, TN 37202.

BOYCOTT

ALL INTERNATIONAL PAPER PRODUCTS

including those sold under these brand names:

International Paper

Arvey

IPCO

Hammermill

Springhill

Strathmore

Beckett

Ward

Coast Envelopes

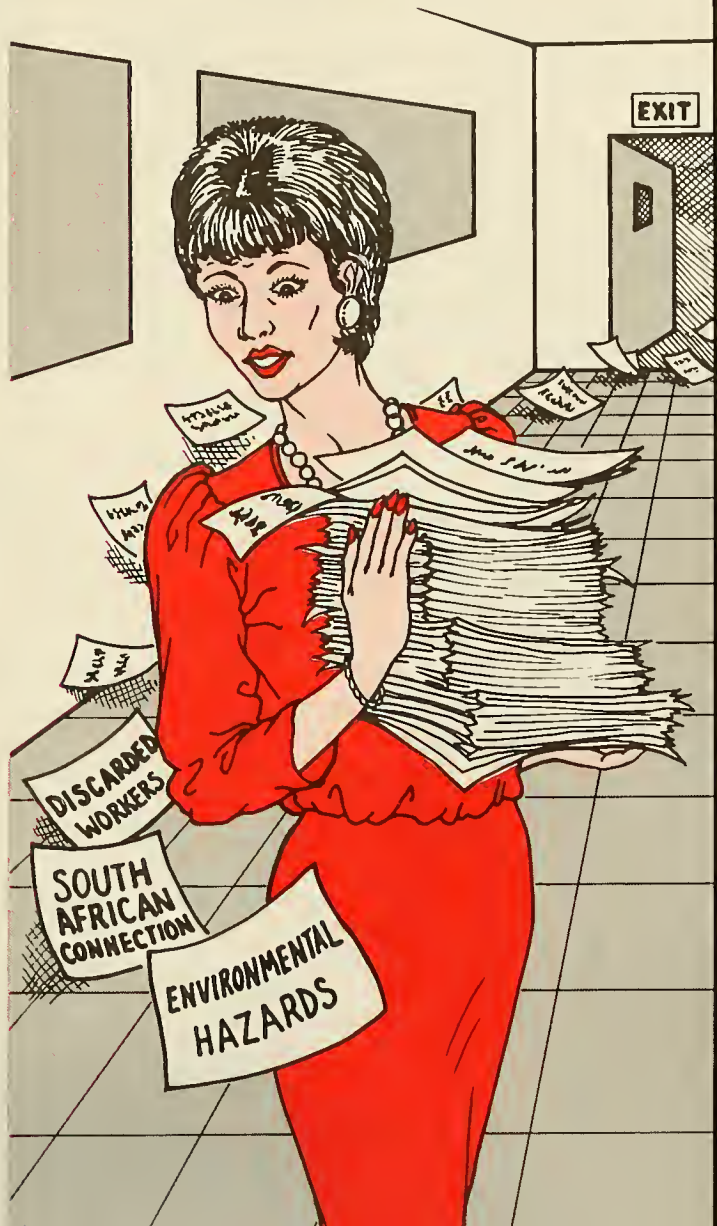
Duplex Envelopes

Old Colony Envelopes

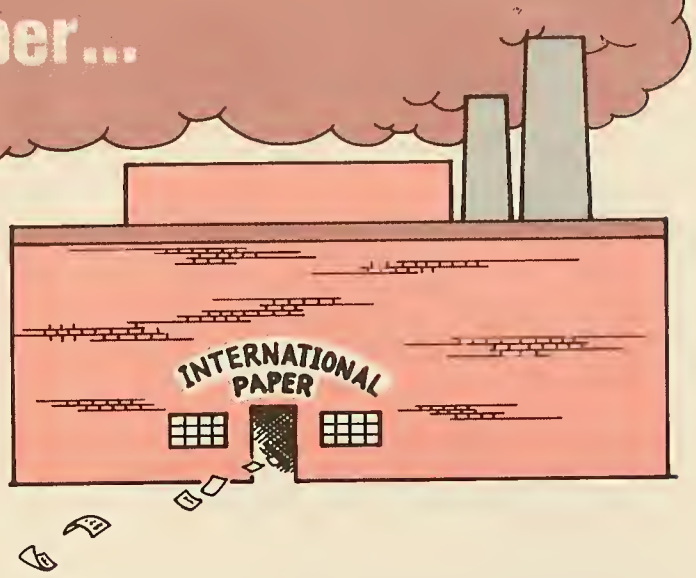
Union Envelopes

Transo Envelopes

WHERE DOES YOUR OFFICE'S PAPER TRAIL BEGIN?



Make Sure It's Not At International Paper...



RECORD PROFITS FOR THE COMPANY, PAY CUTS FOR THE WORKERS.

Last year International Paper raked in nearly $1 billion in record profits and provided its top officer over $1 million in cash compensation.

Yet in the midst of such prosperity, the company told its workers they must **take huge pay cuts** . . . absorb high health insurance costs . . . and allow unlimited subcontracting of their jobs at lower wages.

Hard to understand? It's just business as usual for the world's largest papermaker.

DEADLY GASES

CORPORATE GREED

2,300 members of the United Paperworkers union went on strike over the outrageous demands . . . and were **kicked out of their jobs** simply for engaging in what are supposed to be legally protected labor activities. A list of the workers' hometowns reads like a travelogue of small town America: Lock Haven, Pa . . . Jay, Maine . . . De Pere, Wis.

IP'S POLICIES HURT YOU, TOO!

The rest of us pay a high price so that they can achieve these profits:

*In **taxes** for public assistance to support the displaced, formerly productive workers... IP assumes no responsibility for the workers who have put in 20 to 40 years of service. It is dumping them in the laps of overburdened state agencies, which must try to find them jobs in areas where opportunities are severely limited.

*In **environmental destruction:** Repeated discharges of poisonous chlorine dioxide and other toxics from the company's Jay plant recently led the state of Maine to bring a multimillion dollar suit against IP. The state charged that the papermaker has violated "virtually every environmental law." ... Serious problems exist at other plants as well: Over the summer, the federal Occupational Safety and Health Administration demanded the largest fine ever in the paper industry against IP and required the company to audit its plants' chemical systems in Alabama, Arkansas, Louisiana, Mississippi, New York, Pennsylvania, South Carolina, and Texas.

*In **moral decay:** Though IP tries to keep its ties to **South Africa** quiet, workers at several IP plants have evidence of clandestine shipments between their facilities and that outlaw nation, which denies blacks their fundamental human rights.

In July, The National Labor Relations Board charged the company with **further illegalities.** It said IP acted unlawfully in replacing a group of locked-out Alabama workers. The company could be forced to pay back wages to all 1,255 affected workers, perhaps as much as $40 million.

International Paper should likewise be held accountable for the immoral action of replacing the 2,300 strikers. Those workers and their union are calling upon government agencies, universities, unions, and other institutions to take a stand until these workers are back on the job.

Please don't buy INTERNATIONAL PAPER/ HAMMERMILL PAPER products.

(A list of the company's brand name paper products is listed on the back of this leaflet.)

Please don't buy products that come in International Paper packaging or containers: Look for and avoid this symbol ⓐ on milk and beverage cartons, paper products, and office supplies.

You can also make your protest known directly: write to John Georges, Chief Executive Officer, International Paper Co., 2 Manhattanville Road, Purchase, NY 10577 or phone: 914-397-1500

UNITED PAPERWORKERS INTERNATIONAL UNION

WAYNE E. GLENN
Office of the President

Dear Friend:

Paper. You're holding it in your hands now: we all use it dozens of times a day and rarely give a thought to who makes it and under what conditions. Yet if the paper you use is made by International Paper Co. or one of its subsidiaries, including Hammermill, then you are supporting one of the country's most ruthless corporations.

The enclosed leaflet describes how the policies of International Paper are harmful to its employees, to people living near its mills, and ultimately to us all. After you read it, we are sure you will agree on the need to BOYCOTT ALL INTERNATIONAL PAPER CO. PRODUCTS. We urge you to check with the person in charge of purchasing supplies for your organization and be sure that no IP products are being ordered.

The IP boycott is only part of our campaign against International Paper's unjust policies which include throwing 2,300 of our members out on the street. We have also been organizing a boycott of Avon Products and Bank of Boston, which share top policymakers with IP. We ask you to support these efforts as well.

In addition, we are embarking on a major legislative campaign to get Congress to recognize the unfairness of the process of permanent replacement of strikers. Something has to be done to prevent companies like highly profitable International Paper from penalizing workers--with the industrial version of capital punishment: the loss of one's job--for exercising their right to strike. You will be hearing more about this effort in the future.

We urge you to show the enclosed leaflet to relatives, friends, neighbors and co-workers. Please read carefully the section on ways to build boycott pressure against IP. You can contact Bob Frase of the UPIU for more copies of the leaflet and other help, including sample boycott resolutions and articles for your organization's publication.

Let's make it clear to IP and other outlaw corporations that their irresponsible policies will not be tolerated. Thanks for your support.

Sincerely,

Wayne E. Glenn
PRESIDENT

James H. Dunn
SECRETARY-TREASURER

INTERNATIONAL HEADQUARTERS: P. O. BOX 1475 • NASHVILLE, TENNESSEE 37202 • TELEPHONE (615) 834-8590

The Commonwealth of Massachusetts
Executive Office of Labor
One Ashburton Place Room 2112
Boston, MA 02108

MICHAEL S. DUKAKIS
GOVERNOR
PAUL J. EUSTACE
SECRETARY

March 7, 1989

Arthur Osborn
President
Mass. AFL-CIO
8 Beacon St., 3rd floor
Boston, MA 02108

Dear Arthur:

Thank you for writing to Secretary Grady Hedgespeth in support of the CAT program. CAT, as you know, is a unique program to help workers in manufacturing adjust to technological change while preserving their jobs and improving their skills. Labor's input and support of programs such as this one and other employment and training programs is vitally important. We need to stay on this course in order to protect workers' rights on the job and to help them adjust to the changing economy.

Again my thanks for your support.

Sincerely,

Paul J. Eustace
Secretary of Labor

CITY OF BOSTON • MASSACHUSETTS

OFFICE OF THE MAYOR
RAYMOND L. FLYNN

March 1, 1989

Mr. Arthur Osborn, President
Massachusetts/AFL-CIO
8 Beacon Street
Boston, MA 02108

Dear Mr. Osborn:

I want to express my appreciation for your participation in the February 3 press conference announcing the effective date of WARN (Worker Adjustment and Retraining Notification) - the new national plant closing law.

WARN came about as a result of years of struggle by the labor movement to obtain some rights for workers victimized by sudden plant closings. The labor movement is to be congratulated for its achievement as well as its perseverance in pursuing it.

As you know, the role of city government is written into WARN, and I look forward to working with you in the coming years to ensure that WARN works as it was intended to, and that working people are never again treated without due consideration when a decision to close a plant is made.

With your help, we will continue to develop Boston's diversified economic base and see to it that it remains a place where working people can thrive.

Sincerely,

Raymond L. Flynn
Mayor

The Commonwealth of Massachusetts
Executive Office of Economic Affairs
One Ashburton Place -- Room 2101
Boston, Ma. 02108

MICHAEL S. DUKAKIS
GOVERNOR
GRADY B. HEDGESPETH
SECRETARY

TELEPHONE:
(617) 727-8380

March 7, 1989

Arthur Osborn
President, MA AFL-CIO
8 Beacon Street
Boston, Massachusetts 02108

Dear Mr. Osborn:

Thank you for the letter you sent on behalf of yourself, Bob Haynes, Joe Faherty, and Nancy Mill regarding The Center for Applied Technology (CAT). I agree with you that the CAT is a very important program for all the reasons you state: its focus on manufacturing, its involvement of labor as a partner in the process of technological change, and its support of creating and preserving skilled jobs in Massachusetts to the benefits of both industry and labor.

I have communicated my support of the CAT to the appropriate people in the legislature. As you know, many decisions are being made this week in the House. I would urge you to immediately transmit your strong support of the CAT to members of the House if you have not already done so.

Your enthusiasm for and support of the CAT is most welcome. I look forward to working with each of you in the weeks and months ahead to ensure that the CAT can provide the kinds of services so vital to continued economic and technological development in Massachusetts.

Sincerely,

Grady B. Hedgespeth
Secretary

GBH:JG:ss

cc: Robert J. Haynes
Joseph C. Faherty
Nancy Mills
Paul Eustace
Megan Jones

International Brotherhood of
BOILERMAKERS · IRON SHIP BUILDERS · BLACKSMITHS · FORGERS & HELPERS
New Brotherhood Building
Kansas City, Kansas 66101

CHARLES W. JONES
INTERNATIONAL PRESIDENT
DONALD G. WHAN
INTERNATIONAL SECRETARY-TREASURER

March 3, 1989

Mr. Arthur R. Osborn
President - Massachusetts AFL-CIO
8 Beacon St. 3rd Floor
Boston, Mass. 02108

Dear President Osborn:

In approximately September, 1986, two former Boilermaker International Vice-Presidents, Richard Northrip and Thomas Cooper, who were defeated in elections held in August, 1986, formed a rump group calling itself the Independent Workers of North America (IWNA). It appears that the avowed purpose of the IWNA was from the outset to raid AFL-CIO affiliates and displace them by grabbing bargaining rights in as many locations and from as many unions as possible.

Several local lodges affiliated with the International Brotherhood of Boilermakers succumbed to the empty promises of Richard Northrip and his agents. One of those promises was that the local lodges could disaffiliate from this International through an internal union vote even though the Constitution of this International prohibited such activity. A second promise was that the locals would not have to comply with the surrender clauses of the Constitution which required a disbanded local to return all books, records, properties, funds and assets to this International.

The IWNA has been represented from its inception by the law firm of Meranze and Katz located in Philadelphia, Pennsylvania. Bernard Katz has been professed as the General Counsel of the IWNA. His firm has represented the defendant local lodges and their officers in several pieces of litigation filed by us to collect unpaid per capita taxes which the locals ceased paying upon taking secret "disaffiliation" votes and to recover all books, records, properties, funds and assets from locals disbanded as a result of NLRB elections where the IWNA was certified as the new bargaining agent.

The IWNA, with the assistance of its General Counsel and his law firm, vigorously challenged in that litigation the provisions in the Constitution of this International that prohibited internal "disaffiliation" activities and that required disbanded locals to surrender all assets. The IWNA and its counsel took the position that these constitutional provisions were unlawful and unenforceable.

I am pleased to inform you that Mr. Northrip, Mr. Katz, and the IWNA have not been successful in connection with their arguments. I am enclosing with this letter my recent correspondence to Richard Northrip which contains a number of citations to published decisions which reject the dangerous notions advanced by the IWNA and their counsel.

I am sure you can see the serious threat to the stability of international labor organizations that would result had the IWNA and their counsel prevailed. The IWNA and their counsel appear to me to be impervious to this threat to stability. Accordingly, in the event that locals affiliated with your organization are targeted by the IWNA, you may face the same arguments advanced by the IWNA and their counsel regarding the enforceability of similar provisions in your constitutions. In addition to the published decisions we also have a number of unpublished decisions which we will make available to you upon request. We have been represented by the law firm of Blake & Uhlig, John Blake, General Counsel, who have extensive briefs and legal research files on the foregoing topics as well as related matters that have arisen in these cases.

Please feel free to contact me if you need any of these materials at any point in time.

Sincerely and fraternally,

Charles W. Jones
International President

CWJ:mlk
attach:
opeiu 320

BOILERMAKERS · IRON SHIP BUILDERS BLACKSMITHS · FORGERS & HELPERS

New Brotherhood Building Kansas City, Kansas 66101

CHARLES W. JONES
INTERNATIONAL PRESIDENT
DONALD G. WHAN
INTERNATIONAL SECRETARY-TREASURER

25

February 21, 1989

Mr. Richard Northrip
IWNA Co-Chairman
700 E. Ogden Ave., Ste. 202
Westmont, IL 60559

Dear Mr. Northrip:

The local lodges that were chartered by the International Brotherhood of Boilermakers effective with the date of the merger, their members, and officers made a compact with 120,000 other members of this Organization to abide by the provisions of the International Constitution. Included within the terms of that compact were promises to timely pay per capita tax, to refrain from secessionist activities, and, upon selection of a new bargaining representative, to surrender all books, records, properties, funds and assets to the International to be used for the benefit of those members remaining loyal to this union.

In August, 1986, I was reelected to the position of International President. I took an oath registered with God to uphold the Constitution of the International Union. I doubt that you took a similar oath to destroy that Constitution upon being defeated in your bid for election.

The litigation to which you refer in your correspondence of February 1 to Victor Maggio has been initiated on behalf of all of the loyal members of the International Brotherhood of Boilermakers and in furtherance of my responsibilities to ensure as chief executive officer that the provisions of the International Constitution are enforced. The funds and assets which have been recovered and which will be recovered, have been and will be used for activities conducted by this International on behalf of its union members who have had the wisdom and foresight to remain loyal to this Organization.

Each member and each officer of each local lodge chartered by this International Union carries the responsibility to comply with the Constitution of the International. Litigation that has been initiated can stop; litigation that is to be initiated can be avoided. Quite simply it requires that the former members and officers of disbanded local lodges comply with their obligations as embodied in the Constitution.

Yet you, and those who have chosen to join you, have attempted to seduce, time and time again, local officers and members into believing that they need not live up to their word as honest, decent men and women; that they need not comply with their contractual obligations; that they need not comply with the law. You, and you alone, must ultimately shoulder the blame, and the shame, for creating a situation that requires this International Union to expend funds to enforce the rights of its loyal members and to enforce the obligations of those whom you have so wrongfully seduced.

Now, you seek to extricate yourself from circumstances of your own creation; circumstances produced by your own unfailing ability to delude yourself into believing as fact that which is pure fiction; as real, that which is pure fantasy. In response to your entreaty for settlement, Mr. Maggio merely recommended that you be realistic in the settlement terms you choose to propose. I caution you to do the same.

As you ponder your current situation, reflect upon the fact, not fiction, that you have lost, again and again, in the Courts and before the National Labor Relations Board. You should go back and read the unceasing flow of opinions of the United States District Courts and United States Courts of Appeals which have enforced the compact to which I refer in the opening paragraph of this correspondence. Perhaps, you should start with the Third Circuit Opinion in International Brotherhood of Boilermakers v. Local Lodge D504, _____F.2d_____, No. 88-1393 slip opinion (3rd Cir. February 1, 1989) which reaffirmed those obligations. You yourself on more than one occasion have announced that you obtained the opportunity to tell your whole story in that case. Ponder the decision well, it says you lose.

After you have finished, review the following cases which also enforce the obligations embodied in the International Constitution: IBB v. Local Lodge D111, 681 F. Supp. 1570 (S.D. Georgia, 1987) affirmed 858 F.2d 1559 (11th Cir. 1988); IBB v. local Lodge 714, 845 F.2d 687 (7th Cir. 1988); IBB v. Local Lodge D474, 673 F. Supp. 199 (W.D. Texas 1987); IBB v. Local Lodge D405, 699 F. Supp. 749 (D. Arizona 1988); IBB v. Local Lodge D296, 687 F. Supp. 469 (P. Arizona 1988); IBB v. Local Lodge D31. 694 F. Supp. 1203 (D. Maryland 1988); IBB v. Local Lodge D461, 663 F. Supp. 1031 (N.D. Georgia 1987); IBB v. Local Lodge D461, 667 F. Supp. 870 (N.D. Georgia 1987), affirmed, 835 F.2d 1439 (11th Cir. 1987); IBB v. Local Lodge D238, 678 F. Supp. 1575 (N.D. Georgia 1988); IBB v. Local Lodge 1244, 128 L.R.R.M. 2648 (N.D. Indiana 1988); IBB v. Local Lodge 1245, 129 L.R.R.M. 2315 (S.D. Indiana 1988); IBB v. Kelly, 815 F.2d 912 (3rd Cir. 1987). Ponder these decisions well; they say you lose.

The above cases are published opinions of the Courts. You may also want to review the numerous unpublished opinions that involve your organization, including those orders of United States District Courts finding local officers in contempt when they followed your instructions and failed to comply with Court Orders running against them. Ponder them well; they, also, say you lose.

Review the opinion of the National Labor Relations Board in Georgia Kaolin, Co., 287 NLRB No. 50, 127 L.R.R.M. 1051 (1987). The Board recognized that your movement did not create a "schism", but rather merely involved a dispute arising out of your defeat in your bid for election as an International Vice President of the International Brotherhood of Boilermakers. Ponder the case well; it says you lose.

You lost your election. You lost your "Schism". You lost your claim to the assets of disbanded local lodges. Indeed, the only thing you and your shameless band have won are a few representation elections. However, how many times were the results of those elections the product of your promises which remain unfulfilled; the product of your representations which prove to be false. Many, I am sure. How many men and women who believed your promises, now decry the choice they made. How many men and women who were influenced by your misrepresentations now rue the very birth of your organization. Many, I am sure.

Now, you want to discuss settlement. I am not opposed to the idea and I am always interested in saving the expense in time and money of proceeding with litigation. In fact, virtually every published decision set forth above was preceded by a reasonable settlement offer made in each case by us. Your counsel advised us that you had rejected our reasonable settlement offers. We proceeded; the Court decisions resulted; we won; we intend to continue to win.

The Court decisions exist as a matter of record. They contribute inescapably to defining any reasonable, realistic settlement offer you choose to make. Please do not ignore them if you intend to suggest settlement terms, either comprehensive or on a case by case basis. We intend to proceed as we have done before; to litigate if necessary; to settle as appropriate. The choice

appears to be yours; if you have a realistic offer, make it; if you don't, stand prepared to litigate. We have no intention to pause while you ponder; we see no reason to meet until after we receive and review your offer. Please be guided accordingly.

Fraternally,

Charles W. Jones
International President

CWJ:mlk
cc: All International Officers
All Brotherhood Staff
All Local Lodge Presidents
opeiu 320

UNITED FOOD AND COMMERCIAL WORKERS UNION
LOCAL 1459

33 EASTLAND STREET • SPRINGFIELD, MASS. 01109
TELEPHONE: 413 - 732-6209
IN MASS. TOLL FREE 1 - 800 - 332-9699
OUT OF STATE 1 - 800 - 628-1794

RICHARD J. ABDOW, *Pres.*
SCOTT MACEY, *Sec-Treas.*
JOHN M. CARVALHO, *Vice-Pres.*
ROBERT RIVKIN, *Vice-Pres.*

March 10, 1989

Mr. Arthur Osborn, President
Mass AFL-CIO
8 Beacon Street
Boston, Massachusetts 02108

Dear Arthur:

Please be advised that by request of International Representative DiFlumera, I was asked to contact you regarding the upcoming vote at the State House regarding the Teletheater.

As you may be aware on March 21st this bill will be voted on and it is very important to both the UFCW as well as the Building Trades that we show strong support.

Will you please take the necessary measures to see that both the House and Senate are advised of our interest, since the first sight has been voted on and passed by the residents in Chicopee. Also, be advised that Mayor Chessey and the town fathers are very much in favor of passage, since this bill will help both this city and state in the revenue arrived from this facility.

With kind personal regards, I remain

Sincerely & fraternally yours,

Richard J. Abdow
President

RJA/pab

ccs: Joseph DiFlumera, International Representative
Mayor Joseph Chessey
Senator John P. Burke
Senator Brian Lees
Representative Kenneth Lemanski
Representative Thomas Petrolati
Leon Dragone
Marty Foley, Mass. AFL-CIO, Boston

Copy OK to Marty

IBEW

J. J. BARRY, International President
JACK F. MOORE, International Secretary

International Brotherhood of Electrical Workers
Local 2322

AFL-CIO

25 East Grove St., Rear
Middleboro, MA 02346
(508) 947-2131

VOICE OF THE IBEW
(508) 947-2131

RICHARD R. CAPPIELLO
BUS. MGR.

8

WILLIAM R. DILLON
ASST. BUS. MGR.

GILBERT P. CHAMPAGNE
PRESIDENT

March 6, 1989

Massachusetts/AFL-CIO
Arthur R. Osborn, President
8 Beacon Street
Boston, Massachusetts 02108

Dear Brother Osborn:

I would like to ask you for your support and cooperation with the Coalition of New Office Technology (CNOT).

As you know, they are presently lobbying the Commonwealth of Massachusetts Senate and House of Representatives to pass legislation of a bill which would prohibit monitoring of employees in the workplace without warning tones while they are monitoring.

As a person who is actively involved in the true spirit of unionism and proper treatment of employees, I am, as I am sure you are, concerned with this practice which is presently going on in the industry from which represent the workers.

Thank you for your time and cooperation.

cc: M. Foley

Fraternally,

Richard R. Cappiello

Richard R. Cappiello
Business Manager

RRC/jaf
cc: Joseph Faherty
Marty Foley

EDWARD J. MARKEY
7TH DISTRICT, MASSACHUSETTS

COMMITTEES:
ENERGY AND COMMERCE
CHAIRMAN
SUBCOMMITTEE ON
TELECOMMUNICATIONS AND
FINANCE
INTERIOR AND INSULAR
AFFAIRS
COMMISSION ON SECURITY AND
COOPERATION IN EUROPE

L/A' [illegible] others have come in check communication

Congress of the United States
House of Representatives
Washington, DC 20515

2133 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2836

DISTRICT OFFICE:
2100A JOHN F. KENNEDY BUILDING
BOSTON, MA 02203
(617) 565-2900

March 6, 1989

Mr. Arthur R. Osborn
President
Massachusetts AFL-CIO
8 Beacon Street
Boston, MA 02108

Dear Arthur:

Thank you for writing to ask for my support of H.R. 145, legislation to repeal the Federal Aviation Administration's new regulations on aircraft repairs in foreign countries. As always, I appreciate hearing from you on issues of concern to working men and women.

I agree with you that the FAA's new regulations are likely to have negative implications for air safety, a result that we can ill afford. Given the limited number of FAA inspectors, I believe that it would be virtually impossible to enforce the high maintenance standards which are needed to protect U.S. consumers. In addition, shifting maintenance responsibilities abroad will have a negative impact on domestic employment. For those reasons, I have decided to become a co-sponsor of H.R. 145 and to work for its enactment into law this session.

Again, thank you for taking the time to get in touch. Please let me know whenever I may be of any assistance.

With best wishes,

Sincerely,

Ed

Edward J. Markey
Member of Congress

EJM/clh